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**JOURNAL**

OF THE

**HOUSE OF REPRESENTATIVES**

AT THE

**TWENTY-FIFTH SESSION**

OF THE

**GENERAL ASSEMBLY,**

OF THE

**STATE OF INDIANA,**

COMMENCED AT INDIANAPOLIS,

ON MONDAY, THE SEVENTH DAY OF DECEMBER, 1840.

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INDIANA STATE LIBRARY

JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES

AT THE TWENTY-FIFTH SESSION

OF THE

GENERAL ASSEMBLY OF THE STATE OF INDIANA,

*Begun and held at the Capitol, in the town of Indianapolis, on Monday the seventh day of December, in the year of our Lord one thousand eight hundred and forty; being the day appointed by law for the meeting of the General Assembly.*

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The following members of the House of Representatives appeared, produced their credentials, were sworn into office by the Hon. James Perry, Judge of the Sixth Judicial Circuit of the State of Indiana, and took their seats, viz:

*From the county of Dearborn*—Abijah North, John B. Clark, Isaac Dunn, Wm. R. Cole.

*From the county of Wayne*—Allen Hiatt, Daniel Bradbury, Daniel Strattan.

*From the county of Rush*—Jesse Morgan, James M. Ross, Joseph Peck.

*From the county of Parke*—James Kerr, Andrew Foote.

“ “ “ *Fountain*—Davis Newel, Solomon Clark.

“ “ “ *Tippecanoe*—Othniel L. Clark, Morgan Shortridge.

“ “ “ *Henry*—David C. Shawhan, Thomas R. Standford.

“ “ “ *Fayette*—Caleb B. Smith, Philip Mason.

“ “ “ *Union*—John B. Rose, John L. Burgess.

“ “ “ *Marion*—Philip Sweetser, Israel Harding.

“ “ “ *Shelby*—Wm. W. McCoy, Joshua B. Lucas.

From the county of *Harrison*—John Zenor, Frederick Leslie.  
 “ “ “ *Lawrence*—Hugh Hamer, Geo. W. Carr.  
 “ “ “ *Franklin*—John A. Matson, James Conwell.  
 “ “ “ *Jefferson*—Charles Woodard, Samuel Goodenow.  
 “ “ “ *Clark*—Thomas J. Henley, James G. Read.  
 “ “ “ *Washington*—Rhodolphus Schoonover William

Shank.

From the County of *Vermillion*—William Kyle.  
 “ “ “ *Bartholomew & Brown*—Williamson Terrell, Tunis

Quick.

From the county of *Owen*—Basil Champer.  
 “ “ “ *Green*—James S. Freeman.  
 “ “ “ *Clay*—Jesse J. Burton.  
 “ “ “ *Warren*—William G. Montgomery.  
 “ “ “ *Clinton*—Martin Z. Saylor.  
 “ “ “ *Carrol*—James McCully.  
 “ “ “ *Monroe*—David Byers.  
 “ “ “ *Johnson*—James Ritchey.  
 “ “ “ *Morgan*—Perry M. Blankenship.  
 “ “ “ *Hendricks*—Samuel Brenton.  
 “ “ “ *Hancock*—Thomas D. Walpole.  
 “ “ “ *Boone*—John Chrisman.  
 “ “ “ *Madison*—Willis G. Atherton.  
 “ “ “ *Hamilton*—Jacob Robbins.  
 “ “ “ *Elkhart*—Matthew Rippey.  
 “ “ “ *Laporte*—Daniel Brown.  
 “ “ “ *Decatur*—James Blair.  
 “ “ “ *Ripley*—Henry J. Bowers.  
 “ “ “ *Switzerland*—Hoosier J. Durbin.  
 “ “ “ *Orange*—William A. Bowles.  
 “ “ “ *Posey*—William Casey.  
 “ “ “ *Vanderburgh*—William Brown Butler.  
 “ “ “ *Warrick*—Christopher C. Graham.  
 “ “ “ *Gibson*—Isaac Montgomery.  
 “ “ “ *Cass*—James Butler.  
 “ “ “ *Floyd*—Jacob Miller.  
 “ “ “ *Jackson*—Ezekiel L. Dunbar.  
 “ “ “ *Scott*—Aaron Rawlings.  
 “ “ “ *Jennings*—Presley Welch.  
 “ “ “ *Knox*—Samuel Judah.  
 “ “ “ *Daviess*—Samuel Howe Smydth.  
 “ “ “ *Vigo*—Thomas Dowling, Joseph S. Jenckes, and

James Farrington.

From the county of *Sullivan*—George Boon.  
 “ “ “ *Putnam*—John M. Coleman, Daniel Harrah, and

John C. Chiles.

From the county of *Montgomery*—Joshua Harrison, and John Wilson  
 “ “ “ *Crawford*—James G. Sloan.  
 “ “ “ *Perry*—Frederick Commer.



*From the county of Spencer*—William Jones.

“ “ “ *Pike and Dubois*—Aaron B. McCrillis.

“ “ “ *Grant and Wabash*—James Sweetser.

“ “ “ *Noble, Lagrange, Steuben and De Kalb*—John B.

Howe.

*From the counties of Kosciusko, Marshal and Stark*—Peter L. Runyan.

*From the counties of White, Jasper and Pulaski*—Robert Newel.

*From the counties of Huntington, Adams, Wells, Whitley, Blackford and Jay*—Morrison Rulon.

*From the counties of Miami and Fulton*—William M. Rayburn.

*From the county of St. Joseph*—John D. Defrees.

“ “ “ *Delaware*—Eleazar Coffeen.

“ “ “ *Randolph*—Smith Elkins.

“ “ “ *Porter and Lake*—Seneca Ball.

“ “ “ *Martin*—Aaron Houghten.

The House then proceeded to the election of a Speaker, Messrs. Henley and Morgan, acting as tellers. On counting the first ballot, it appeared that

Samuel Judah received	65 votes.
James G. Read “	23 “
Scattering “	10 “

Samuel Judah having received a majority of the whole number of votes given, was declared duly elected Speaker of the House of Representatives during the present session. On being conducted to the Chair by Messrs. Dowling and Mason, he returned his acknowledgements to the House for the honor conferred.

On motion of Mr. Henley,

The House proceeded to the election of principal Clerk, Messrs. Butler of V. and Freeman acting as tellers. On counting the first ballot, it appeared that

Jacob H. Hager received	53 votes.
Robert C. Gregory “	39 “
Scattering	4

Jacob H. Hager having received a majority of all the votes given, was declared principal Clerk of the house of representatives during the present session; was sworn into office by the Hon. James Perry, and entered upon the discharge of his duties.

On motion of Mr. Smydth of Daviess,

The House proceeded to the election of an assistant Clerk, Messrs. Smydth of D. and Standford acting as tellers. On counting the first ballot, it appeared that

Wm. H. Bennet received	77 votes.
Scattering	18

Wm. H. Bennet having received a majority of all the votes given, was declared duly elected, was sworn into office by the Hon. James Perry, and entered upon the discharge of his duties.

On motion of Mr. Champer,

The House proceeded to the election of an enrolling Clerk, Messrs. Mason and Brown acting as tellers. On counting the first ballot, it appeared that

J. H. Farquhar	received	28 votes.
Lee M. Fulton	“	29 “
W. L. Mahan	“	13 “
J. L. Thompson	“	9 “
Wm. Moore	“	6 “
A. F. Shortridge	“	8 “
Scattering		3

No person having received a majority of all the votes given, the House proceeded to a second balloting, when it appeared that

Lee M. Fulton	received	41 votes
J. H. Farquhar	“	34 “
W. L. Mahan	“	13 “
J. L. Thompson	“	5 “
A. F. Shortridge	“	3 “

No person having received a majority of all the votes given, the House proceeded to a third balloting, when it appeared that

Lee M. Fulton	received	52 votes,
J. H. Farquhar	“	32 “
W. L. Mahan	“	9 “
Scattering		3 “

Lee M. Fulton having received a majority of all the votes given; was declared duly elected enrolling Clerk of the house of representatives, and was sworn into office by the Hon. James Perry, preparatory to entering upon the discharge of his duties.

On motion, the House adjourned until 2 o'clock P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Champer,

The House proceeded to the election of a Door-keeper, Messrs. Read and Cole acting as tellers. On counting the first ballot, it appeared that

Andrew Hotchkiss	received	49 votes.
Joseph T. Fell	“	19 “
James M. Lucas	“	6 “
Jere. Burkhalter	“	5 “
James Darnall	“	3 “
John Montgomery	“	6 “
Jona. Hillman	“	3 “
Scattering	“	4 “

Andrew Hotchkiss having received a majority of all the votes given

was declared duly elected, was sworn into office, and entered upon the discharge of the duties.

Mr. Butler of V. moved that the House proceed to the election of a Sergeant-At-Arms.

Mr. Conwell moved that the motion be indefinitely postponed;

Which motion was decided in the negative.

The question recurring on the motion of Mr. Butler of V., and the ayes and noes being demanded.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Boon, Bowers, Bowles, Bradbury, Brenton, Burgess, Burton, Butler of C., Butler of V., Carr, Casey, Champer, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Coleman, Conner, Defrees, Dowling, Durbin, Foote, Graham, Hamer, Harding, Harrah, Harrison, Howe, Jenckes, Jones, Kerr, Kyle, McCrillis, McCulley Montgomery of G., Montgomery of W., Morgan, Newel of W., Peck, Read, Ritchey, Rose, Rulon, Runyan, Sayler, Shawhan, Shortridge, Sloan, Smydth, Smith, Stanford, Terrell, Welch, and Mr. Speaker.—59.

*Those who voted in the negative were,*

Messrs. Blankenship, Brown, Byers, Cole, Conwell, Dunn, Elkins, Farrington, Freeman, Goodenow, Henley, Hiatt, Houghton, Leslie, Lucas, Mason, Matson, McCoy, Miller, Newell of F., North, Quick, Rawling, Rayburn, Rippey, Robbins, Ross, Schoonover, Shank, Stratton, Sweetser of G., Sweetser of M., Walpole, Wilson, Woodard, and Zenor.—36.

So the motion was decided in the affirmative.

The House then proceeded to the election of a Sergeant-at-Arms—Messrs. Champer and Rose acting as tellers, on counting the first ballot, it appeared that

James Rankin received	14	votes
Ralph Berkshire “	11	“
C. J. Hand “	9	“
Jno. Flint “	8	“
Hugh Barnes “	14	“
Bazil Brown “	16	“
N. B. Markle “	5	“
Wm. Jerrauld “	5	“
Wm. Naylor “	3	“
Scattering “	11	“

No person having received a majority of all the votes given, the House proceeded to a second balloting, when it appeared that

James Rankin received	11	votes
Ralph Berkshire “	16	“

Bazil Brown	“	21	“
C. J. Hand	“	10	“
John Flint	“	11	“
Hugh Barnes	“	12	“
N. B. Markle	“	4	“
Wm. Jerrauld	“	4	“
Scattering	“	6	“

No person having received a majority of all the votes given, the House proceeded to a third balloting, when it appened that

James Rankin received		5	votes
R. Berkshire	“	22	“
Bazil Brown	“	21	“
C. J. Hand	“	8	“
John Flint	“	13	“
Hugh Barnes	“	15	“
N. B. Markle	“	5	“
J. D. Hart	“	3	“
Wm. Jerrauld	“	2	“
Scattering	“	2	“

No person having received a majority of all the votes given, on motion the House adjourned until to-morrow morning at 9 o'clock.

#### TUESDAY MORNING, DEC. 8th 1840.

House met pursuant to adjournment, when on motion of Mr. Smith of Fayette.

*Resolved*, That the Clerk of this House, inform the Senate that the House of Representatives have convened, formed a quorum, and elected Samuel Judah, Speaker; Jacob H. Hagar, Principal Clerk; Wm. H. Bennett, Assistant Clerk; Lee M. Fulton, Enrolling Clerk; and Andrew Hotchkiss, Door-keeper; and are now ready to proceed to Legislative business.

On motion of Mr. Morgan,

*Resolved*, That a committee of two, on the part of the House of Representatives, be appointed to act with a similar committee on the part of the Senate, to wait on his Excellency the Governor, and inform him that the two houses have elected their officers, and are ready to receive any communication he may be pleased to make to them; and to know at what time he will make such communication; and that the Senate be informed of the adoption of this resolution, and a similar one on their part requested.

Messrs. Morgan and Boon were appointed said committee,

On motion of Mr. Mason,

*Resolved*, That the Editors of the Indiana Journal, and Indiana Democrat, (or their assistants) be permitted to occupy seats within the bar of the House, to report its proceedings during the present session, for their respective papers.

Messrs. George Robinson of Jefferson county, and John Russell of

Vermillion county, Representatives appeared, produced their credentials, and were sworn into office by Hon. James Perry.

A message from the Senate by Mr. Maguire their Secretary;

MR. SPEAKER:

I am requested by the Senate to inform the House of Representatives, that the Senate has adopted the following resolutions:

*Resolved.* That the House of Representative be informed that the Senate have convened, formed a quorum, and have elected the following officers; Douglass Maguire, Principal Secretary; William F. Col- lum, Assistant Secretary; Wm. C. Smydth, Enrolling Secretary; and John Cook, Door-keeper; and that they are now ready to proceed to legislative business.

*Resolved,* That the Joint Rules which were in force for the govern- ment of the last General Assembly, be adopted by the Senate as the rules for their joint action for the present session, and that the House of Representatives be informed of the adoption of said joint rules, and their concurrence requested therein.

On motion of Mr. Champer,

*Resolved,* That the rules in force for the government of the last General Assembly be adopted by the House of Representatives as the rules for their action during the present session, with this amendment, to wit: That there be two additional committees; the one on engross- ed bills; the other on federal relations.

Mr. Leslie moved for adoption the following resolution:

*Resolved,* That the election of Sergeant-at-Arms be postponed until the first day of January next. Which,

On motion of Mr. Smydth of Daviess,

Was laid upon the table; and the House proceeded to a fourth bal- lotting for Sergeant-at-Arms, and, on counting the votes, it appeared that,

James Rankin received	-	5 votes
Ralph Berkshire, "	-	11 "
Basil Brown, "	-	17 "
Knowles H. Shaw, "	-	1 "
C. J. Hand, "	-	12 "
John Flint, "	-	14 "
Hugh Barnes, "	-	17 "
Wm. Jerauld, "	-	6 "
N. B. Markle, "	-	7 "
Jos. Potts, "	-	4 "
J. B. Hart, "	-	2 "
J. T. Fell, "	-	1 "

No person having received a majority of all the votes given, the House proceeded to a fifth balloting, and, on counting the votes, it appeared that,

John Flint received	-	19	votes.
C. J. Hand,	"	9	"
Basil Brown,	"	10	"
Hugh Barnes,	"	30	"
Ralph Berkshire,	"	8	"
Wm. Jerrauld,	"	5	"
N. B. Markle,	"	10	"
Jos. Potts,	"	3	"
M. D. Springer,	"	2	"

No person having received a majority of all the votes given, the House proceeded to a sixth balloting, and, on counting the votes, it appeared that,

Hugh Barnes, received	-	48	votes.
John Flint,	"	22	"
C. J. Hand,	"	2	"
N. B. Markle,	"	10	"
Ralph Berkshire,	"	4	"
Jos. Potts,	"	1	"
Basil Brown,	"	8	"

Hugh Barnes having received a majority of all the votes given, was declared duly elected Sergeant-at-Arms—came forward, was sworn into office by the Hon. James Perry, and thereupon entered upon the discharge of his duties.

On motion of Mr. Read,

*Resolved*, That a committee of two be appointed on the part of this House, to act with a similar committee on the part of the Senate, to wait on the Rev. Mr. Goode, and request him to attend in the Hall of the House of Representatives, to-day at 2 o'clock, P. M., to open the present session of the General Assembly by prayer, and that the Senate be requested to reciprocate this resolution, and that seats be prepared for them on the right of the Speaker's chair.

In accordance with the above resolution, Messrs. Shanks and Blair were appointed said committee.

Mr. Sweetser of Marion moved for the adoption of the House, the following resolution:

Whereas, by virtue of a joint resolution of the General Assembly, approved the 4th day of February in the year 1837, John W. Osborn and Elijah Chamberlain were, on the 6th day of January, in the year 1838, duly elected Public Printers to this House, for the term of three years from and after the first day of August in the year 1838.

And whereas, the said Osborn and Chamberlain executed their bond for the due performance of the Public Printing of this House, entered upon their duties, and continued to perform the work pursuant to their contract, until the 14th day of December, in the year 1839, when they were ejected from being Public Printers to this House, in violation of the rights and contract of the said Osborn and Chamberlain, and on

the 16th day of said December, in the year 1839, John Livingston was elected in their stead: Therefore,

*Resolved*, That John W. Osborn and Elijah Chamberlain are the rightful Public Printers to this House until the first day of August next.

Mr. Read moved that the resolution be laid upon the table; which motion was negatived.

On motion of Mr. Henly,

Said resolution was referred to a select committee, with instructions to report the facts in relation to the case.

Messrs. Smydth of Daviess, Defrees, and Rulon were appointed said committee.

Mr. Morgan, from the committee appointed to wait upon the Governor, then made the following report:

MR. SPEAKER:

The joint committee to whom was referred the resolution directing them to wait on His Excellency the Governor, and inform him that both Houses of the General Assembly have met, formed a quorum, elected their officers, and are now ready to receive any communication that he may wish to make to them, have performed that duty, and received for answer that he would this day at two o'clock P. M., meet both branches of the General Assembly in the Hall of the House, for the purpose of communicating to them his annual message.

Mr. Matson offered for adoption by the House, the following resolution:

*Resolved*, That the House of Representatives will (the Senate concurring therein) adjourn *sine die*, on the third day of January, 1841.

Which resolution, on motion of Mr. Boon, was laid upon the table.

The following message was received from the Senate, by Mr. Maguire their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate reciprocate the resolution of the House appointing a committee of two to wait on His Excellency the Governor, and inform him that the two Houses are organized, have elected their officers, and are now ready to receive any communication he may be pleased to make to them, and to know at what time he will make such communication; and have appointed Messrs. Stevenson and Tannehill a committee on the part of the Senate.

Also the following message:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives, that they have reciprocated the resolution of the House appoint-

ing a committee to act with a similar committee on the part of the Senate, to wait on the Rev. Mr. Goode, and request him to attend in the Representative's Hall to-day at 2 o'clock P. M., to open the present session of the General Assembly by prayer.

Messrs. Arion and Parker are appointed a committee on the part of the Senate.

The House then adjourned until 2 o'clock P. M.

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2 o'clock. P. M.

The House met pursuant to adjournment.

Mr. Blair, from the select committee, made the following report:

MR. SPEAKER:

Your committee appointed on the part of this House to wait upon the Rev. Mr. Goode, have performed that duty, and now beg leave to report, that Mr. Goode, in compliance with the request of the House of Representatives, will attend in this Hall to-day at 2 o'clock P. M., to open the session with prayer.

On motion of Mr. Morgan,

*Resolved*, That the Senate be invited to attend, *instanter*, in the Hall of the House of Representatives, to open the session with prayer, and to receive the message of His Excellency the Governor; and that seats be provided for them on the right of the Speaker's chair.

The Senate then came into the Hall and took their seats on the right of the Speaker's chair; the President of the Senate on the right of the Speaker.

His Excellency the Governor, then came in, attended by the joint committee appointed for that purpose; and after a prayer addressed to the throne of Grace by the Rev. Mr. Goode, he delivered the following message, in the presence of both Houses:

*Gentlemen of the Senate*

*and of the House of Representatives:*

The past, in many respects, has been to the nation at large, a remarkably spirit-stirring and eventful year. The advocates of human liberty—of man's capacity for self-government—have been furnished with abundant evidence calculated to confirm them in their principles, and to stimulate them to continued exertions. The friends of our great and as yet unbroken confederacy, have not been left without



cause for congratulation; they, too, may confidently renew their faith in the strength, wisdom, and recuperative energies of the Constitution; in its well-tried capacity of sustaining itself successfully through the fiercest storm of political contention. The alarming extent of power which the experience of the last twelve years proves to be vested in the arm of the Executive branch of the General Government, has been also as clearly shown to be more than counter-balanced by the great conservative power entrusted to the keeping of the people. The contest between these powers has been truly great and exciting; and we have every reason to rejoice over the result. The people have indeed acquitted themselves nobly. They have resisted and repulsed the enemy at all points; and, what is by far the most gratifying, they have evinced to the world that the rod of proscription cannot intimidate, that bribery cannot purchase, and that fraud and corruption cannot seduce them from the faithful discharge of their high and solemn duties. May such qualities, therefore, be always exhibited by every succeeding generation of American freemen, and then our Union and liberties will be as immortal as the renown of those who achieved them.

Restricting our observations to the narrower sphere of our own State, we find, even through the surrounding gloom which has gathered over the pecuniary condition of our citizens, enough to claim our most fervent acknowledgement to the Giver of all good. We have received from the Divine hand the choicest tokens of its favor. The teeming earth has rewarded the tiller of its soil. No desolating pestilence has invaded our limits, and filled our homes with lamentation and wo. The reviving spirit of enterprise has awakened to its labors, and cheerful industry has resumed its gainful pursuits. The means of education, moral improvement, and religious culture, have been extended to every class, and their auspicious effects are seen, as well in the general diffusion of intelligence, as in the elevated character of the people.

The sovereignty of the laws has been respected. A jealous observance of the public peace has eminently distinguished the conduct of our citizens; for although we have just closed one of the most heated and exciting contests recorded in our history, yet they, in no instance, as far as my knowledge extends, have permitted riot to disturb, bloodshed to disgrace, or intemperance to degrade any of their frequent and numerous assemblages.

For a detailed account of the condition of the Treasury, you are respectfully referred to the report of the Treasurer of State, which will, in due time, be laid before you. According to that report, the receipts of the fiscal year, ending October 31st, 1840, amount to four hundred and four thousand, one hundred and fifty-eight dollars and thirteen cents; and the expenditures to three hundred and ninety-five thousand, nine hundred and thirty-six dollars and ninety cents; leaving a balance in the Treasury of nine thousand two hundred and eighty-one dollars and twenty-three cents.

Inasmuch as the character of the times and the involvements of the State, imperatively demand a system of the severest economy, it may

not, perhaps, be unprofitable to enumerate some of the items of expenditure with which the people are burthened, in order that you may the better see wherein the principle of reform may be most safely and advantageously applied. The legislative expenses this year amount to forty-four thousand nine hundred and seventy-one dollars and seventeen cents—two thousand four hundred and eight dollars and five cents more than in 1839. The account for public printing, considering that no extra work was required or performed, reached the heavy and unnecessary sum of twelve thousand four hundred and fifty-seven dollars and eighty-one cents. To these must be added the expenses of the Executive Department, three thousand eight hundred and fifty dollars; of the Judiciary, sixteen thousand three hundred and thirteen dollars; of Probate, three thousand seven hundred and sixty-five dollars; of Prosecuting Attorneys, one thousand seven hundred and twenty-five dollars; and of the State Prison, nineteen thousand six hundred and fifty-one dollars.

As to the item first named, permit me to say, that it will be in your power to diminish it greatly hereafter. For, when you come to discharge the constitutional duty which devolves upon you, at the present session, of fixing the apportionment of Senators and Representatives, for the next five years, a reduction of their number would greatly contribute to curtail the onerous expense of this branch of the Government, without jeopardizing, as I can see, any of the great interests of the State. Indeed, my experience teaches me that a House of Representatives consisting of sixty members, and a Senate of thirty, would transact more business in a less time—far better—and more to the satisfaction of the people, than can a House of a hundred members and a Senate of fifty. And in like manner with regard to nearly all the other branches of expenditures above named, you can do much—very much, towards lessening their respective amounts, by firmly and patriotically determining to sacrifice on the altar of public good, a portion of your individual, sectional, and county interests. In the midst of the extraordinary prosperity recently enjoyed by all classes of society, such acts of devotion were neither necessary nor demanded. If the expenses of the State were then great, the people possessed correspondent means to meet them without distress or difficulty; but not so now: their circumstances have undergone a fearful change—a severe pressure is upon them; and hence you cannot well discharge a more acceptable act of duty at this time than to endeavor to bring down the wants of the Government to the standard of their present ability to supply with ease and convenience.

In my last annual communication, I invited the attention of the Legislature to the subject of the State Prison. I then urged the necessity of making some radical change in its present system of organization and management. No legislative action was, however, had on the subject, and believing that the defects which have caused such frequent and just complaints require the efficient exercise of your authority, I am again induced to ask your serious consideration, to the

propriety of an immediate re-organization of the institution or of such alterations in its government and discipline, as you shall deem expedient. The time is certainly propitious. The outstanding contract with Messrs. Patterson and Hensley will shortly expire. Whatever changes are needed, should therefore be made previously to forming any new engagements under the existing law. The able and satisfactory report of the visiter, Dr. Haymond, is herewith submitted. His views and recommendations concerning the institution generally, are worthy of respectful attention. With him, I am clearly of opinion that instead of farming out the prison as heretofore, the State should take it into her own hands, and by the appointment of efficient officers, with competent salaries, manage and have the superintendence of it herself.

From an examination of the returns of the taxables of the present year, I regret to say that it is not in my power to speak as favorably of the advanced wealth and prosperity of the State, as my desires would otherwise dictate. The suspension of the public works and the general stagnation of all business have sensibly affected the value of every species of property. The diminution has indeed been great; more so by far than we had any just grounds to anticipate. I find, also, that the assessments, which for years past, have constituted a subject of complaint in almost every Executive message, are, if any thing more glaringly and unpardonably defective than ever. This continued carelessness on the part of the assessors, has at length grown to an evil of such magnitude that some speedy and effective remedy is loudly called for by every principle of right and justice. It is now virtually the case, that one portion of community is burthened with taxation, to the exemption of another; a state of things wholly inadmissible.

The number of polls returned to the Auditor, amounts to one hundred thousand one hundred and sixty-six—greater by four thousand eight hundred and seventy-five, than in 1839. The quantity of land assessed appears to be 8,273,000 acres, valued at fifty-eight millions, three hundred and forty-three thousand, nine hundred and ninety-two dollars; being an increase of 797,680 acres, and a decrease in the aggregate value of seven millions six hundred and forty thousand eight hundred and eighty-seven dollars. In like manner, the value of town lots has reached only twelve millions, five hundred and three thousand, five hundred and nineteen dollars; corporation stock to one million one hundred and sixty-eight thousand three hundred and forty-three dollars; and personal property to nineteen millions seven hundred and forty thousand, one hundred and sixty-six dollars; making the entire amount of the taxable property of this State, ninety-one millions seven hundred and fifty-six thousand and nineteen dollars—less than in 1839, by fifteen millions five hundred and eighty-one thousand six hundred and ninety-six dollars.

Fortunately we have it in our power to disperse a portion of the gloom which such results are too well calculated to produce. They are not true; and unless promptly contradicted, and a correct exposi-

tion given, would tend much to our mortification, to place the State in a false position in the eye of the public. Take, for example, the number of polls returned, and compare that number with the vote cast at the late Presidential election, and you at once see that between eighteen and twenty thousand polls have been altogether omitted—*one-fifth, nearly, of the whole number returned.* Nor is this the only error susceptible of detection. According to the Report of the Commissioner of the General Land Office, 10,509,025 acres are legally taxable this year, whereas the assessors return but 8,273,120 acres as already stated—2,235,906 acres less than the true amount. If, therefore, we acknowledge these examples as just criterions by which to judge of the balance, we cannot possibly avoid the inference that at least one-fifth of the entire taxable property of the State escapes taxation this year.

But further, the average value of lands throughout the State, appears to be seven dollars and five cents an acre. The 2,235,906 acres therefore, not assessed, is worth, for tax purposes, fifteen millions, seven hundred and sixteen thousand one hundred and thirty-seven dollars, which with the ninety-one millions, seven hundred and fifty-six thousand and nineteen dollars assessed, would give one hundred and seven millions, five hundred and nineteen thousand, one hundred and fifty-six dollars as the lowest amount which should have appeared upon the assessment rolls this year subject to taxation. One hundred and eighty-one thousand dollars above the same amount in 1839; the diminution of value in property to the contrary notwithstanding.

I hope I shall be excused for dwelling upon this subject. My object has been two-fold; first to expose the gross defects in a very important part of our present revenue system; and secondly, to vindicate the credit and character of the State from the imputation of having retrograded in wealth and resources.

A thorough revision of the Revenue Law, is the only effective remedy that I can suggest against the recurrence of similar evils; and when you are advised that in 1841, 13,758,236 acres; in 1842, 15,008,054 acres; and in 1843, 15,610,479 acres, become subject to taxation, the necessity for the searching exercise of your supervisory powers over the subject needs not to be enforced.

The public debt of the State as exhibited in the Report of Gen. Stapp, one of our Fund Commissioners, amounts to 12,873,509 dollars; 9,968,509 dollars for Internal improvement purposes; 294,000 dollars for Surplus Revenue bonds; 221,000 dollars for the Lawrenceburgh and Indianapolis R. R. Company; and 2,390,000 dollars for Banking purposes. The Internal Improvement debt consists of the following items, to wit: to the State Bank 692,435 dollars; for the Wabash and Erie Canal 1,727,000 dollars; for the System proper 6,235,000 dollars; and for Treasury Notes 1,314,075 dollars. Of the 12,873,509 dollars, only 10,006,652 dollars have as yet been received—leaving 2,866,857 dollars due from the purchasers of our State bonds. This circumstance is much to be regretted, as it appears that a very large proportion of this indebtedness is in a most hazardous condition.

Indeed it is highly probable that the greater portion of it may be ultimately lost to the State. The efforts, however, of Gen. Stapp, I am happy to say, have been faithfully and unremittingly exerted to prevent such a disaster. He has labored incessantly to procure from the respective debtors the best securities in their power to furnish. To what extent he has succeeded time only can determine.

It is perhaps due to you and to the other Fund Commissioner, N. B. Palmer, Esq., to state that he differs with Gen. Stapp as to the amount of the Public debt. In his exhibit to the Executive, which I herewith transmit, he fixes it at 13,531,509 dollars—being 658,000 dollars more than his colleague. Mr. Palmer having thus furnished merely a naked statement of the supposed items, unaccompanied by any explanatory communication, I do not feel justified in venturing an opinion as to the facts, when the results above referred to are so widely variant. I deem it, therefore, most proper to refer you to their respective reports, when they shall be laid before you, presuming that they will contain all the information necessary to enable you to arrive at correct conclusions.

Upon ascertaining the large indebtedness of the State, prudence suggests that we should inquire in what manner the public funds have been appropriated, and what equivalent we have received in exchange for them. The query is answered by pointing to near three hundred miles of Public works;—twenty-five of Rail Road—forty-two of McAdamized road—and two hundred and thirty miles of canal; to nearly two millions of dollars in Bank and Sinking Fund stocks, and to upwards of half a million of dollars for canal lands disposed of by the State.

The amount of interest chargeable upon the public debt is easily calculated. It is supposed that the interest on about 2,164,687 dollars of the suspended debt will be promptly paid by the holders of our State bonds. Subtracting this amount from the sum total of the debt would leave 10,708,921 dollars as the amount upon which interest has to be provided for by the State this year. This, at the rate of five per cent., including contingencies, will be about 595,000 dollars. The important question, therefore, occurs, what means, independent of taxation, have we to pay this heavy sum? They are as follows, to wit:

The State Bank of Indiana,	-	-	-	\$71,025
Interest on Canal Lands,	-	-	-	22,000
Surplus Revenue,	-	-	-	32,000
Lawrenceburgh and Indianapolis Rail Road Company				11,050
Canal Tolls,	-	-	-	5,000
Madison Rail Road,	-	-	-	10,000

\$151,075

This deducted from the 595,000 dollars, would still leave 443,925 dollars unpaid. This is certainly a formidable deficit, requiring to meet it, at least, a levy of between forty-five and fifty cents on every hundred dollars worth of property throughout the State. Are you

prepared, then, to levy this tax? or, in other words, can you avoid it without jeopardizing the credit and character of the State? Before answering, or attempting to answer, queries so interesting, it is highly necessary that we should first determine the extent and character of the means you will, or may have under your control. For this purpose I name to you in the first place the Surplus Revenue, amounting to 583,254 dollars, which, if drawn in and converted into Bank stock, would produce 10 per cent., or

Secondly, the interest upon the Sinking Fund,	-	60,000
Thirdly, 2 per cent. on Bank stock,	-	60,000

Making altogether from these sources,	-	\$178,325
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which, if applied to the liquidation of the interest, would leave only 265,000 dollars to be raised from the people by taxation, or about 27 cents on the hundred dollars.

I am well aware that I shall probably be told that to effect such an operation, steps must be taken which a mere seeker of popularity would studiously avoid. I grant it true: but, then I flatter myself that there are none such here. Certainly the honor and lasting interests of the State—all our proud recollections of the past, and our dearest hopes of the future, require that there should be none. In the present momentous crisis of our affairs, wise heads, honest hearts and fearless spirits, can alone conduct us safely and triumphantly. With such to direct, such to lead us there is no danger.

Ours are a debt paying people; and the promptness with which they have denied their confidence to every unprincipled demagogue who dared to preach a contrary doctrine, is the proudest evidence of the stern moral honesty that pervades the mass. They have complained, and perhaps in many instances justly, of mismanagement in the conduct of their affairs; but, then, whoever infers from that, that they could be persuaded to repudiate their honest debts, is ignorant of their character, and but poorly appreciates their firmness and integrity. The point, with them, is not how to avoid their contracts, but how they can best fulfil them with the least possible oppression and difficulty. These facts, therefore, unerringly designate the course you are to pursue, and the duties you are expected to perform. They are evidently to curtail every expense as far as practicable, to husband our resources carefully, to apply them judiciously, to resort to taxation only when all other just and proper expedients fail; and to maintain, at all hazards, the credit of the State unimpaired.

With a view to relieve the people from the oppressive taxation which we see otherwise awaits them, I, on a former occasion, urged the propriety of claiming our distributive share of the proceeds of the sales of the public lands. The singular and unprecedented course pursued by some of the distinguished leaders of the present administration in Congress, renders it more imperative than ever upon the states to contend for the strict letter of their rights. I speak at least for Indiana. She has not asked, nor has she directly or indirectly intimated an intention of asking the General Government to assume the

payment of her debts, nor to my knowledge has any of the states; yet we have witnessed a most disreputable effort in a certain quarter, to discredit the good faith and resources of the states, upon the gratuitous assumption that there was an intended movement on their part to accomplish that purpose, through the agency of the national legislature. By the deeds of cession of the several states, and especially of Virginia, the ceded lands were designed as a common fund for the use and benefit of all the states then admitted or that might afterwards be admitted into the Union. The General Government was created a trustee with powers and duties clearly defined. Its authority over the national domain evidently consists in faithfully carrying into effect the beneficent object of the ceding states, and its obligation to do so is solemn and imposing. From 1832 to September the 30th 1838, the fund derived from the sales of the public lands amounted to \$63,443,308, and the sales since made have largely increased it. Have we not, therefore, a right to demand of this trustee our share of the fund, and especially of that portion of it which has accrued since the extinction of the public debt? According to the distributive principle of Mr. Clay's land bill, Indiana would be entitled to about \$3,000,000. The fate of that bill is known to the nation, and is a subject of poignant regret. Congress having by appropriate legislation given utterance to the public will, in the only form in which it could be authentically expressed, that will was contemned and defeated by the arbitrary and unprecedented action of the Executive branch of the Government. The aggravated injustice of that act of the late President is equalled only by the presumptuous insolence of the friends of the present Executive in Congress, in impeaching the honor of the sovereign states which form our glorious Union, and denouncing them as bankrupts in fortune and in fame. We are cheered, however, by the auspicious promise of the future—by the hope that the constitutional limitations of the Government will be respected, whilst its powers are wisely exercised for the good of the whole people, and that the public will, the only legitimate foundation of republican institutions, will be obeyed by the public servant. I beg to suggest to you the propriety of instructing our Senators and requesting our Representatives in Congress to demand as a matter of right on the part of Indiana, her distributive share of the proceeds of the public lands. With those funds at your disposal you can exempt the people in a measure from taxation, promote the cause of education, prosecute our system of internal improvement, and greatly increase the wealth and prosperity of the state.

In connection with this subject I have the honor to inform you that I have received from their Excellencies, the Governors of New-York, Connecticut, Vermont, and Kentucky, certain resolutions adopted by the legislatures of their respective states, in relation to the public domain. In compliance with their request, I lay them before you. You will perceive that the views I have expressed are fortified by their concurring opinions, in reference to this vitally interesting subject.

I have received from the Secretary of State, of the state of Michigan, a memorial and joint resolution adopted by the legislature thereof,

soliciting Congress for an appropriation to construct a ship canal around the falls of the River de St. Marie near the out-let of Lake Superior; and from the Governor of Connecticut certain joint resolutions of the legislature of that state, in relation to the duty of the General Government to protect the domestic industry of the country. I herewith submit them to you for such action thereon as you may deem expedient and proper.

Concerning the Surplus Revenue fund, I wish to be clearly understood. I contended, originally, for the policy of converting it into bank stock instead of scattering it among the counties. Experience and subsequent reflection have confirmed my opinion as to the propriety of the views I then entertained. In my last annual message, I suggested the expediency of restricting the loans of that fund to such borrowers as could tender security upon real estate. The recommendation not meeting the views of the legislature, the law remains unchanged. The officer in charge of the fund reports, this year, that the interest upon about one-fourth of the principal has not been paid or accounted for. You may judge from this fact what is the probable condition of the principal. What guaranty, I ask, have we, that in twenty years hence, we shall not have, by such improvident legislation, permitted every dollar of it to be squandered. If you decide against the temporary application of the proceeds of the fund to relieve the people from taxation, still in justice to the interests of education some salutary measure should be adopted to make it more productive, and to secure it from loss. Loaned as it now is, it can yield only \$14,000 subject to all the contingencies, consequent upon careless, dishonest, and incompetent agents. Its conversion into bank stock would produce nearly \$60,000 annually with the undeniable advantages that the profits would be more certain, that it could be distributed to the several counties with less expense, and last, not least, that it would be more immediately under the control and supervision of the legislature.

By an act of the last General Assembly, it was made the duty of the Executive to appoint two individuals to assist the commissioner having charge of the Wabash and Erie Canal, in making a further and final selection of the lands due to the State for the construction of that portion of the work lying between the mouth of Tippecanoe river and the Ohio State line. The persons appointed were the Hon. David Hillis, and Jordan Vigus, Esq. Their report, in conjunction with the commissioner, Jesse L. Williams', accompanying the message, will satisfactorily show the manner in which they have discharged the important duties assigned them. This report, agreeably to the act of Congress upon that subject, has been transmitted, by me, to the Secretary of the Treasury of the United States. The object of the Legislature in expediting these selections was, to raise funds for the completion of the canal by effecting a speedy sale of the lands. By the commissioner's report you will be advised in detail of the result of his operations; and to what extent that desirable object was attained. The late treaties with the Miami tribe of Indians, prove exceedingly



detrimental to the interest of the State, in consequence of nearly all the numerous Indian grants having been located upon the lands which fell to the lot of Indiana. The State loses the benefit of their greatly enhanced value by reason of their contiguity to the canal. It appears that on the regular alternate canal tiers unappropriated by these grants, there were found to be only 61,741 acres subject to disposal by the State which have been classed and rated as follows:

First class, 1,747.24 acres at \$7	- - - -	\$12,230 68
Second class, 18,993.27 acres at \$5	- - - -	94,966 35
Third class, 41,000.49 acres at \$3	- - - -	123,001 47
Total rated value	- - - -	<u>\$230,198 50</u>

Of these lands there have been sold at public sale and private entry up to the 18th November, inclusive, as follows, to-wit:

Of the first class 475.03 acres at an average of \$7 79	-	3,701 00
Of the 2d class 7,420.61 at an average of \$5 38	-	39,954 47
Of the third class 15,810.92 at an average of \$3 43	-	54,201 41
Total sales	- - - -	<u>\$97,856 88</u>

Showing a total sale of 23,705.66 acres for an aggregate sum of \$97,856 88 cents, making a general average of \$4 13 per acre.

On these sales there have been received \$29,809 57 for the first payment on the principal, and also \$4,079 98, the interest on the balance due for one year in advance, giving the sum of 33,887 55, as the total receipts up to the time named.

On the 18th November, there remained unsold of the above lands, 8,035 34 acres, valued at the sum of \$142,340 18, which are subject to entry.

Of the grants made by the treaties to individual indians and others 24,290.00 acres have been located within the regular canal tiers; thus depriving the State by far the most valuable portion of the lands upon which she has heretofore relied as a source of income.

In lieu of these grants, there have been selected out of other lands belonging to the United States 69,883 acres, which are supposed to form but a fair equivalent for the lands withheld from the State.— These selections, however, under the construction given to the law cannot be disposed of by the State until the title be perfected by an act of Congress, as in the case of the selections made in 1830, in lieu of lands sold and reserved in former treaties.

In my communication to the Secretary of the Treasury these facts were partially noticed, and I expressly advised him that the State relinquished her claim to the 24,290 acres only on condition that Congress confirmed the selection of the 69,883 acres, supposed to be a just equivalent for their loss. The grounds upon which I predicate

this claim of the State are these; first, that the fee-simple to all the unsold lands, whether Indian or otherwise, resides in the General Government; secondly, that the Indian title is a possessory one merely; thirdly, that the act of Congress of 1827, under which the State claims, operates as a deed of conveyance; and fourthly, that it is not competent for the government by any subsequent act to transfer to others, without the consent of Indiana the fee-simple to the same lands. There being no mode of adjusting this difficulty, without the intervention of Congress, I respectfully requested the Secretary of the Treasury to withhold the 69,883 acres from public sale until an opportunity could be given to that body to meet and act upon the subject.

The operations of the Board of Public works have necessarily been limited. Their duties have been confined principally to closing the outstanding contracts with contractors; the assessment of damages; the preservation of the completed portions of the public works; the construction of a part of the Madison and Indianapolis Rail-road; and the completion of the Wabash and Erie canal to Lafayette. To accomplish the latter object, the Legislature, by law, pledged to the contractors the proceeds of the sales of the canal lands already named. The 33,887 dollars, therefore, reported as having been received from this source, have been applied, by the commissioner, to the payment of their claims.

The result of the Legislation of last winter on the general prosperity of the State has been the reverse of beneficial. It may be seen, for example, in the reduction of between fifteen and twenty millions of dollars in the value of all real and personal property; in the augmentation of the public debt some 85,000 dollars, in the way of damages to contractors; in visiting distress, and frequently ruin upon the working and industrious portions of community, by refusing them employment, and paying them in funds which subjected them to the tender mercies of the broker and shaver—and all this too without a step being taken—an effort made, or a measure suggested, either to liquidate the public debt, or to meet the annual interest accruing upon it.

The amount of tolls collected on the Wabash and Erie Canal is about 3,000 dollars; on the White water 1,500 dollars; on the Madison and Indianapolis Rail Road 14,000 dollars; and on the New Albany and Vincennes McAdamized Road nothing that I know of. The individual having charge of this work has not seen fit to make any report to the executive; Indeed, I am not aware, that it was made his duty to do so.

The policy of completing some two or three of our public works is to my mind unquestionable. Through the politeness of the Marshals employed in taking the census, I have learned that about 900,000 bushels of corn, 67,000 bushels of oats, 30,000 bushels of wheat, and 20,000 head of hogs have been raised in Marion county this year. A better, a more striking illustration, perhaps, of the disadvantages under which the farming interest of the interior labors, for the want of some cheap and convenient thoroughfare to market, cannot well be offered,

than by simply stating the difference of value between the foregoing articles *here* and on the banks of the Ohio last summer. Corn *there* commanded from 40 to 43 cents a bushel, *here* from 15 to 20—a difference of one half against the farmer of Marion, or upon the 900,000 bushels of 180,000 dollars. Startling and incredible as this fact may at first appear, though limited to a single county, still what must be its character when the produce of all the surrounding and interior counties shall be included in the estimate! With it in possession, need the advocate of Internal Improvement ask a surer guaranty to secure for him an attentive and successful hearing, from the people, and in the halls of legislation?

Whilst the receipts and expenditures of the State were limited to the mere support of the government, the necessity of maintaining such an organization of the Executive Department as that some one of its branches should always serve as a check upon the rest, appeared of little or no importance. Hence, from time to time, as new interests sprang up and new responsibilities were created, we find the legislature, instead of adhering closely to the check principle, invariably departing from it. The offices, for instance of Auditor and Treasurer, were created by the constitution, with the express intention that the former should operate as a check on the latter; nevertheless, such have been the course and effects of legislation, for the last few years, that in respect to several of the public funds—the College fund, the Saline fund, the three per cent., fund, and the Surplus Revenue, that wise and provident precaution has been wholly neglected. The Treasurer is authorized by law to loan all these funds at his own pleasure. The improvement fund belongs to the State, and its receipts and disbursements should be subjected to the management and control of the constitutional officers, the Treasurer and Auditor. Indeed every receipt and payment on account of the State should appear on their respective books. The existing laws, in not requiring such a safe guard to the due application of the public money, are very defective. To accomplish an object of such vital importance and to secure a proper accountability from the officers in charge of that branch of the public interest, the amending exercise of your authority is indispensably requisite.

While the pecuniary condition of the country has undergone frequent and severe fluctuations within a few years past, the currency of Indiana has varied less, perhaps, than that of any other State in the Union. The circulation of our Bank, though now as low as it has been at any time for the last two years, is yet only about one-fourth less than when it was highest. A larger portion of it than usual now circulates out of the State, and the currency of other States forms, at the present time a smaller portion of our circulating medium than heretofore. Yet, what would our situation have been, if our State Bank, like many of the banks of other States, had been forced to diminish its circulation to less than one-fourth of what it was previously? If, by losing, perhaps, a third of our currency, much distress has been experienced in the collection of debts, what a pressure would

have prevailed if there had been in circulation but one-third of the present amount? However great the evils of a depreciated currency may be, it is better to endure them, for a limited time, than the ruin which must follow the general collection of debts in a medium suddenly made many times more valuable than that in which they were contracted.

Little or no benefit can arise from legislation on these matters unless the public feeling shall approve the policy that may be adopted. Collected, as you are, from all parts of the state, and representing the wishes and welfare of the whole people, it is for you to say whether any measure can be adopted for the interest in general of both debtors and creditors, that shall gradually correct all excesses. As the early resumption of specie payments is now confidently expected, there will be but little danger of over-banking for a time. The other extreme, for the present, is most to be feared. If you find on examination that the State Bank has been prudently managed, it will be a matter of consideration for you to determine whether its operations can be made more beneficial to the State and the people. An early increase of its capital, provision for paying the amount due from the State, and authority for a limited period, to issue small notes, may it is believed, materially aid us in passing through the present crisis.

When the banking experiments of the last five years are reviewed hereafter, will the error of those who would bank without capital appear more absurd, than the embarrassments and obstructions created to prevent real capital from performing its legitimate office? The most skilfully conducted banks in the world, are said to be those of Scotland. Frequent settlements with each other and prompt payments of customers, have not required them to abandon the use of one pound notes, or to keep large amounts of specie on hand. It is to be hoped that a similar state of things will exist here, and that the whole means of the bank may be safely and efficiently exercised for the public good. The reckless warfare of the General Government upon the business and currency of the country, and upon the institutions established by the States will be shortly closed. Whilst such an unpropitious influence was exerted, it was folly to suppose that capital and credit could maintain a useful existence.

In my last annual message, the necessity of a wider diffusion of the benefits of education was alluded to, and steps suggested with a view of accomplishing that desirable object. We have in successful operation among us institutions where the higher branches of education are taught with unsurpassed ability. I may refer to the State University at Bloomington, now it is hoped about to recover from the painful embarrassments which have in a degree impeded its progress; to the excellent institution at Hanover, which has struggled with commendable energy and success in the midst of adversity; to the Wabash College, which has occupied an honored stand among her sisters, for the success with which learning and the arts have been cultivated under the auspices of her late accomplished President, whose lamented death will be long and severely felt; and to the Indiana Asbury University,

which has recently opened its halls to the votary of science, and where piety, learning, and exalted talents, have consecrated their choicest gifts. The efforts of individual and associated enterprise, have established flourishing seminaries in many of our large towns. But here I must close the picture so radiant with hope and promise. Our State can never attain the proud distinction we fondly anticipate for her, until an efficient system of common school instruction be established. The advantages of the higher institutions of learning are necessarily confined to a favored few. The blessings of the common school are dispensed far and wide, to the obscurest corner of the State, and pervade all the strata which compose the social fabric. They are emphatically the colleges of the people. The men of the forest and the prairie—our support in peace and defence in war—should be furnished with the means of educating their rising offspring. Let the school-house be planted by the road side, and the love of its precepts, imbibed among the dreams of youth, will survive the cherished wishes of manhood. The church of the living God will soon follow. The beneficent effect of that wise policy will be seen in the virtue and intelligence of the people—in their enlightened attachment to their country, and to the free institutions which bless and exalt it. If such means of improvement were at work every where in the Union, the days of the Republic would not soon be numbered. Her course would be onward and upward, and it would be as idle a presumption to attempt to arrest it, as it would be to aspire to chain the tides or imprison the winds of heaven.

I cherish the anxious expectation that this subject will occupy a leading place in your deliberations. I think, in addition to the recommendation contained in my last annual communication, that the appointment of a Superintendent of Common Schools would be attended with beneficial results.

It affords me pleasure to comply with the request of the citizens of the city and county of Washington and the county of Alexandria, by presenting to you a copy of the address of their delegates in convention assembled, to the people of the United States and to their several legislatures. No adequate motive can be assigned for the extraordinary legislation which forms the ground of complaint, other than the fixed determination of the majority in Congress to punish the frank and unreserved expression of opinion on the part of the people of the District. This insufferable breach of justice and good faith perpetrated by the selected guardians of the nation's honor and the people's constitution, should create a sensation reaching to the remotest limits of our wide spread country. It is in keeping with the conduct of those who disfranchised a sovereign State and trampled under foot the right of the people to select their representatives, with a view of carrying into effect the repudiated policy of their chief. With such, right and might are synonymous terms. The withdrawal of the charter of the banks was done professedly to carry out the policy of government in reference to the currency. So wide is the variation, however, between the profession and the practice of the men, who laid their ruthless

hands upon those institutions, that it is in vain to seek in that pretext for the motives that led to the destruction of the fiscal agencies deemed necessary in the District, for the protection of commerce and industry. The change in its municipal charter, relative to the elective franchise, in defiance of the wishes of the inhabitants, was an indefensible exercise of power.

It is of incalculable importance to every community that the safeguards and peculiar institutions which it deems necessary to the efficient preservation of the peace, good order, and safety of society should be preserved inviolate. The District, having no representative, Congress should exert a protecting care over her interests, and faithfully reflect her views in relation to her own domestic polity. An enlightened nation will not silently acquiesce in the asserted right of Congress to make experiments upon the District, and to tamper with her most precious interests, against the known and expressed will of her people. Referring you to the masterly and eloquent address for detailed information, permit me to submit to you the propriety of adopting such resolutions as the sense of justice and the promptings of sympathy may suggest.

This day closes my public relations with you and the people of Indiana. The condition of the State in many respects, since I have occupied the Executive chair, presents an altered aspect. How far it is to be attributed to any agency of mine, propriety forbids me to speak. After the distorting medium through which we behold the public men and judge of the public measures of the present, shall have passed away, I shall cheerfully await the verdict of my fellow-citizens. My undivided attention has been bestowed upon the trust confided to me. Having endeavored to discharge its duties with fearless independence, and with an eye single to the interests and honor of the State, a calm review of my public life awakens no sigh of regret and administers no sting of self-reproach. Your duties are solemn and arduous. May the great Ruler of men and of nations preside over your deliberations and bless your labors.

DAVID WALLACE.

Executive Chamber, December 8, 1840.

The Senate then returned to their chamber.

Mr. Smith of Fayette, offered for the adoption of the House the following resolution:

*Resolved*, That the Doorkeeper of the House of Representatives be authorized to employ such assistants as the discharge of his duties may require.

Mr. Butler of Vanderburg, moved to amend by inserting, in lieu of '*such*,' the word 'two,' and striking out all after the word 'assistants.'

Mr. Brenton moved to amend the amendment, by adding after the word 'assistants,' the words 'at one dollar per day.'

Mr. Smith of Fayette, then moved a division of the question, (which was on striking out,) which motion was negatived.

The question was then taken on Mr. Brenton's amendment to the amendment, and carried in the affirmative.

The question then recurring on the resolution as amended, was carried in the affirmative.

So the resolution, as amended, was adopted.

Mr. Robinson offered the following resolution:

*Resolved*, That the Public Printer be directed to print and furnish 5,000 copies of the Governor's Message for the use of the members of this House.

Mr. Walpole moved to strike out '5,000' and insert '2,500.'

Mr. Butler of Vanderburgh, moved to insert '1,500,' which amendment was finally adopted.

Mr. Boon offered for adoption the following resolution:

*Resolved*, That a select committee be appointed to consist of two members from each Congressional District, to prepare and report an apportionment bill of Senators and Representatives, to consist of forty-nine Senators and one hundred Representatives.

Mr. Conwell then moved to amend by striking out the words 'forty-nine' and 'one hundred' where they occur, and to insert in lieu thereof, the words 'thirty' and 'sixty;' and before any action was had thereon,

On motion of Mr. Jones,

The resolution was laid upon the table.

On motion of Mr. Dunn,

*Resolved*, That a committee of five be appointed to examine into, and report upon the unfinished business of the last session of the legislature; and if there be any thing therein that requires the immediate and particular attention of this House; with leave to report by bill or otherwise.

Whereupon, Messrs. Dunn, Hamer, Henly, Terrell, and Montgomery of Gibson, were appointed said committee.

And then the House adjourned until to-morrow morning, nine o'clock.

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WEDNESDAY, Dec. 9th, 1840.

House met pursuant to adjournment.

On motion of Mr. Smith of Fayette,

*Resolved*, That the Senate be informed that the House is now ready to open and publish the returns of the votes for Governor and Lieutenant Governor of the State of Indiana, at the late election, in the presence of both Houses of the General Assembly; and that the Senate is invited to attend in the Hall of the House for that purpose;

and that seats be provided for them on the right of the Speaker's chair.

On motion of Mr. Jones,

*Resolved*, That the Secretary of State be directed to communicate to this House on to-morrow, the amount paid John Livingston for printing done, for the last legislature; and whether the price of said printing was estimated according to a joint resolution approved February 4th, 1837, or by a joint resolution adopted at the last session, fixing the price of printing.

Mr. Smydth of Daviess, from the select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the following preamble and resolution, to wit:

Whereas, by virtue of a joint resolution of the General Assembly, approved the 4th day of February in the year 1837, John W. Osborn and Elijah Chamberlain were, on the 6th day of January, in the year 1838, duly elected Public Printer of this House, for the term of three years from and after the first day of August in the year 1838.

And whereas, the said Osborn and Chamberlain executed their bond for the due performance of the Public Printing of this House, entered upon their duties, and continued to perform the work pursuant to their contract, until the 14th day of December, in the year 1839, when they were ejected from being Public Printers to this House, in violation of the rights and contract of said Osborn and Chamberlain, and on the 16th day of said December, in the year 1839, John Livingston was elected in their stead: Therefore,

*Resolved*, That John W. Osborn and Elijah Chamberlain are the rightful Public Printers to this House until the first day of August next.

With instructions to inquire into, and report upon the facts therein stated, have had the same under consideration, and respectfully submit the following

#### REPORT:

That by virtue of a joint resolution of the General Assembly of the State of Indiana, approved February 4th, 1837, the said John W. Osborn and Elijah Chamberlain were duly elected public printers to this House, on the 6th day of January, 1838, for the term of three years, from and after the first day of August then next, which will more fully appear by reference to page 441, Local Laws, 1837, and to page 219 and 220 of the Journal of the House of Representatives 1838. That the said Osborn and Chamberlain executed their bond, as stated in said preamble. See evidence of Wm. J. Brown, Secretary of State, taken before a committee of the House of Representatives, Dec. 10th, 1839, page 70, of the Journal of the House of Representatives of that



year. Your committee also refer you to evidence, taken before the same committee, establishing the fact that the printing was executed in discharge of the bond given, as aforesaid, by the said Osborn and Chamberlain, to the time mentioned in said preamble; and that on the 14th day of December, 1839, the House of Representatives adopted the following resolution, to-wit: "*Resolved*, That there is now no rightful printer to this House." See Journal House of Representatives 1839, pages 113, 114. And on the 16th day of the same month elected John Livingston, in the stead of the said Osborn and Chamberlain. See same, page 130.

Your committee, being aware that the said Osborn and Chamberlain were authorised by law to sue the State on the contract relative to the public printing entered into as aforesaid. examined the records of the Marion Circuit Court, and have ascertained that they have commenced suit in said Court. The situation of the proceedings in the case appears to be as follows: To the declaration of the plaintiffs, the State, by her attorney, filed her general demurrer, upon which judgment was rendered for the plaintiffs, after which the State withdrew her demurrer, and filed two pleas, concluding to the contrary, in which situation the cause now stands for trial.

Your committee unanimously concur in the above statement of facts: and the undersigned, a majority of said committee, are of opinion, from the details thus presented, that John Livingston is not now the lawful Public Printer to this House; that the said Osborn and Chamberlain are the rightful Printers to the same, and respectfully recommend the adoption of said resolution.

SAM'L HOWE SMYDTH,  
JOHN D. DEFREES.

To the above opinion and recommendation of the majority of the committee the undersigned dissents.

MORRISON RULON.

Which report, on motion of Mr. Smith of F., was laid upon the table.

The Speaker then laid before the House, the report of the Treasurer of State, which was, without reading, laid upon the table.

On motion of Mr. Robinson,

*Resolved*, That a committee of two from each judicial circuit, be appointed to inquire into the expediency of reorganizing and equalizing the several judicial circuits of this State, and also whether it is necessary to establish any new circuits; with leave to report by bill or otherwise.

On motion of Mr. Montgomery of Gibson,

*Resolved*, That a select committee of three be appointed to inquire into the expediency of providing by law, for stopping the per diem compensation of the members of the General Assembly of the State of Indiana for the time being, in all cases where an adjournment takes

place on account of the Christmas or New-Year's festival; and that they report by bill or otherwise.

Messrs. Montgomery of Gibson, Conwell, and Leslie, were appointed said committee.

On motion of Mr. Smith of Fayette,

*Resolved*, That, until the report of the select committee, now on the table, relative to the printer of this House, be disposed of, the Clerk of the House be directed, not to hand over to the printer any documents, reports or other papers ordered to be printed.

On motion of Mr. Dunbar,

*Resolved*, That the Public Printer be directed to furnish for the use of the members of this House fifteen hundred copies of the documents accompanying the message of his Excellency the Governor.

On motion of Mr. Sweetser of Marion,

*Resolved*, That a committee be appointed, whose duty it shall be, to cause an invoice to be taken of the books in the State Library, and compare the same with the invoices of purchases made to be found in the Journals of this House subsequent to the year 1828.

Mr. Robinson moved to amend by adding, "inquire into the expediency of,—and that the annual appropriation for books shall be increased to five hundred dollars."

Which amendment was not adopted.

In accordance with the resolution, Messrs. Sweetser of Marion, Jenckes, and Howe, were appointed said committee.

The Speaker then laid before the House the annual report of the Auditor of Public Accounts, which,

On motion of Mr. Graham,

Was laid upon the table without reading.

The Senate then came into the Hall of the House of Representatives, and took their seats on the right of the Speaker's chair; the President of the Senate on the right of the Speaker,

When,

The Speaker of the House of Representatives, in presence of both Houses of the General Assembly, opened and published the whole of the returns of the votes given in the several counties on the first Monday in August last, for Governor and Lieutenant Governor of the State of Indiana; and on counting all the votes returned, it appeared therefrom that Samuel Bigger, for the office of Governor, had received 62,678 votes, and that Tilghman A. Howard, for the same office, had received 54,083 votes.

Samuel Bigger having received a majority of the votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly of the State of Indiana; declared duly elected Governor of the State of Indiana; to serve as such for the term of three years from and after this day.

For the office of Lieutenant Governor, it appeared from the returns aforesaid, that Samuel Hall had received 62,612 votes; and Benjamin S. Tuly, for the same office, had received 53,388 votes.

Samuel Hall having received a majority of the votes given, was, by

the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected Lieutenant Governor of the State of Indiana, to serve as such for the term of three years.

The Senate then retired to their chamber.

On motion of Mr. Jones,

*Resolved*, That a committee of two be appointed on the part of this House, to act with a similar committee on the part of the Senate, to wait on his Excellency Sam'l Bigger and the honorable Sam'l Hall, and inform them of their election, the first to the office of Governor and the second to the office of Lieutenant Governor of the State of Indiana, and to ascertain of them at what time it will be their pleasure to take the oath of office.

Messrs. Jones and Harding were appointed said committee.

On motion of Mr. Dunn,

*Resolved*, That the Auditor of Public Accounts, report to this House, a tabular statement, exhibiting the number of acres of land, and the valuation thereof, in each county, returned annually to the school commissioner, for the non payment of Taxes; and also exhibiting the whole number of acres of land, and the valuation thereof in each county, subject to taxation in each year, since the first day of December, 1837.

The following message was received from the Senate, by Mr. Maquire, their Secretary:

MR. SPEAKER.—

I am instructed by the Senate to inform the house of representatives that the senate has adopted the following resolution:

*Resolved*, That the senate will on Thursday the 10th inst. at 10 o'clock A. M., (the house of representatives concurring therein) proceed to the election of Secretary of State, Auditor of Public Accounts, Treasurer of State, and Circuit Judges in the several Judicial Circuits and Prosecuting Attorneys to fill vacancies that have occurred by resignation or otherwise.

Messrs. Wright and Thompson are appointed tellers on the part of the Senate.

Mr. Conwell moved to concur with the resolution of the Senate, with the following amendment, to wit:

Strike out all after the word "resolved" in the original resolution, and insert the following:

"That a committee of three members, on the part of the House, be appointed to act jointly with such members as may be appointed on the part of the Senate, to inquire into the propriety of further regulating the salaries of Secretary of State, Treasurer of State, and Auditor of Public Accounts, with leave to report by bill or otherwise.

And that the Senate be requested to attend in the House of Representatives on to morrow, the 10th instant, at 10 o'clock A. M., and proceed to the election of circuit judges, in the several judicial circuits, and prosecuting attorneys to fill vacancies that may have occurred

by resignation or otherwise; and that preparation be made for the reception of the Senate, on the right of the Speaker's Chair.

Mr. Clark of T., moved to amend the amendment by adding after the word "accounts" in the first clause of the amendment, the following:

"And that the committee also inquire into, and report the amount of the salary and perquisites arising from whatever source, pertaining to the offices of Treasurer, Auditor, and Secretary of State."

Which amendment was carried in the affirmative.

Mr. Burton moved further to amend, by adding after the words "Secretary of State," the following:

"And the number of assistants necessary to perform the duties of the several offices."

Which amendment was not adopted.

The question then recurring on striking out all after the word "resolved," in the resolution of the Senate, and inserting the amendment of Mr. Conwell.

Mr. Butler of V. called for a division of the question, (being on striking out,) which was carried in the affirmative.

The question then recurring on concurring with the resolution of the Senate, with the amendments.

And the ayes and noes, being demanded by Messrs. Blair and Coleman.

*Those who voted in the affirmative were,*

Messrs. Ball, Blankenship, Boon, Bowles, Bradbury, Brown, Burgess, Burton, Butler of C., Byers, Carr, Casey, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Conner, Conwell, Dunbar, Durbin, Farrington, Foote, Freeman, Goodenow, Hamer, Harding, Hiatt, Houghton, Jones, Kerr, Kyle, Leslie, Lucas, Mason Matson, McCoy, McCrillis, McCulley, Miller, Montgomery of W., Morgan, Newell of F., Newel of W., North, Peck, Rawlings, Read, Reyburn, Ritchey, Rippey, Robinson, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Stanford, Stratton, Sweetser, of M., Welch, Wilson, Woodard, Zenor, and Mr. Speaker,  
—73.

*Those who voted in the negative were,*

Messrs. Atherton, Blair, Bowers, Brenton, Butler of V., Champer, Coleman, Defrees, Dowling, Dunn, Elkins, Graham, Harrah, Harrison, Howe, Jenckes, Montgomery of G., Quick, Smydth, of D. Smith, of F., Sweetser of G., and Terrell—22.

So the resolution of the Senate was concurred in with the amendments.

Messrs. Conwell, Clark of T., and Cole were appointed said committee; and Messrs. Morgan and Bowles were appointed tellers on the part of the House.

Mr. Jones, from the committee appointed for the purpose, then made the following report:

MR. SPEAKER:

The committee appointed on the part of the House, to act with a similar Committee appointed on the part of the Senate to wait on his Honor Samuel Bigger, and the Honorable Samuel Hall; and inform them that they are elected respectively, the first to the office of Governor; the second to the office of Lieutenant Governor, of the State of Indiana; and to know of them at what time it will be their pleasure to attend in the the Hall of the House of Representatives, and take the oath of office; have performed that duty, and report that they have received for answer from those gentlemen, that they will attend in the Hall of the House of Representatives at 3 o'clock of this day.

The House then adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

The following Message was received from the Senate by Mr. Maquire their principal Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate reciprocate the resolution of the House, appointing a committee to wait on Hon. Samuel Bigger, Governor elect; and Hon. Samuel Hall, Lieutenant Governor elect, and inform them of their election, the first to the office of Governor, and the second to the office of Lieutenant Governor, and to ascertain of them at what time it will be their pleasure to take the oath of office.

Messrs. Hargrove and Eggleston are appointed the committee on the part of the Senate.

Mr. Jones then moved to take from the table, the resolution of Mr. Sweetser of Marion, on the subject of the State Printer, and also the report of the select committee on the same subject,

Which resolution and report were so taken up.

Mr. Jones then moved to amend said resolution by striking out after the word "house," the words "in violation of the rights and contract of said Osborn and Chamberlain."

M. Walpole then moved to re-commit the resolution, with the pending amendment to the select committee, with instructions to inquire into the fact, whether said Osborn and Chamberlain have not,

by their suit against the State, forfeited their right to the further benefits of their said contracts as Public Printer.

The ayes and noes being demanded by Messrs. Walpole and Dunbar,

*Those who voted in the affirmative were,*

Messrs. Bowles, Burton, Butler of V. Byers, Carr, Casey, Chrisman, Clark of F. Dunn, Dunbar, Graham, Henley, Lucas, M'Coy, M'Cully, Newell of F. Read, Ritchey, Rippey, Robinson, Rulon, Schoonover, Shanks, and Walpole.—24.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Boon, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of C. Champer, Chiles, Clark of D. Clark of T. Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Leslie, Mason, Matson, Miller, Montgomery of G. Montgomery of W. Morgan, Newell of W. North, Peck, Quick, Rawlings, Rayburn, Robbins, Rose, Ross, Runyan, Russell, Saylor, Shawhan, Shortridge, Sloan, Smydth of D. Smith of F. Stanford, Stratton, Sweetser of M. Terrell, Welch, Wilson, Woodard and Mr. Speaker.—71.

So said motion to re-commit was decided in the negative.

The question was then taken on Mr. Jones' amendment, and decided in the negative.

The question then recurring on the adoption of the resolution,

The ayes and noes being demanded by Messrs. Henley and Bowles, when

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of Cass, Butler of V. Champer, Chiles, Clark of D. Clark of F. Clark of T. Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Leslie, Mason, Matson, M'Crillis, Miller, Montgomery of G. Montgomery of W. Morgan, Newell, of W. North, Peck, Quick, Rawlings, Rayburn, Robbins, Robinson, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Sloan, Smydth of D. Smith of Fayette, Stanford, Stratton, Sweetser of M. Terrell, Walpole, Welch, Wilson, Woodard, Zenor and Mr. Speaker.—75.

*Those who voted in the negative were,*

Messrs. Boon, Bowles, Burton, Byers, Carr, Casey, Chrisman,

Clark of Fountain, Dunbar, Graham, M'Cully, Newell of F. Ritchey, Rippey, Rulon, Saylor, Schoonover, Shanks and Lucas.—20.

Messrs. Henley, M'Coy, and Reed, at their request were excused from voting.

So said resolution was adopted.

On motion of Mr. Graham,

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives instanter, to witness the oath of office administered to his Excellency Samuel Bigger as Governor, and the Honorable Samuel Hall as Lieutenant Governor, of the State of Indiana; and that seats be provided for them on the right of the Speakers chair.

Ordered, that the Clerk inform the Senate thereof.

The Senate then came into the Hall of the House of Representatives, and took their seats on the right of the Speaker's chair; the President of the Senate on the right of the Speaker;

When Samuel Bigger, Governor elect, and Samuel Hall, Lieutenant Governor elect came in, attended by the joint committee appointed for that purpose; who then, in the presence of both houses of the General Assembly, respectively took the oath of office prescribed by the constitution; which was administered by the Honorable Isaac Blackford, one of the Judges of the Supreme court; after which his Excellency Samuel Bigger delivered the following address.

*Gentlemen of the Senate*

*and House of Representatives:*

In assuming the duties of the office with which I have been invested, I find myself required, by considerations of the most imperative character, to State the views I entertain respecting those questions of state policy which are deeply agitating the public mind. A state of things is presented entirely unanticipated in the legislation of the years previous to the last. The system of Internal Improvements adopted four years since, has not prospered as was expected by its friends. It is now prostrated, and the people find themselves laboring under the complicated embarrassments of this disastrous result, and feel and express the most intense anxiety respecting the mode of relief which may be adopted. Acting in accordance with the powers with which we are respectively clothed by the Constitution, it now devolves upon us to consult together, and you to propose such measures for prosecution as will protect the interests and promote the welfare of the people.

The full exposition which my predecessor has given of the affairs of the State up to this time, renders it unnecessary for me to advert to them, further than may be requisite to enable me to state, in an intelligible manner, such suggestions as I may make in the examination of the various questions connected with our future policy.

The question of paramount importance is, what shall be done with our public improvements? The "system," excluding the Wabash and

Erie canal, embraces nine different works. Their aggregate length is 1,159½ miles, of which about one hundred and forty miles are fully completed. The amount expended on the different lines, many portions of which are nearly ready for use, is something over 5,600,000 dollars. To finish the whole, would require, at the present estimates, the additional sum of about fourteen millions of dollars. Operations ceased on the public works in August, 1839, with some exceptions, and most of the contracts have been surrendered to the State, under the act of last session, authorizing that course, and providing for the compensation of contractors by the issue of treasury notes. In addition to this, no provision was made by the last legislature to pay the interest on the State debt incurred for Internal Improvement.

Such being the situation of our public works, several most important inquiries are presented for your consideration. Shall we undertake the simultaneous prosecution and completion of the whole, or abandon them entirely; or shall we adopt some modified plan of operations within the means and resources of the State? Their prosecution, as originally contemplated, will not be seriously urged, at this time, by any one at all conversant with our condition, and the extent of our liabilities. Such a course would be the extreme of folly. And, on the other hand, their entire abandonment, with the utter loss of the large sums of money already expended, would scarcely be less ruinous in its consequences to our credit and ultimate prosperity—leaving us to discharge the interest, and finally the principal, without any prospect of remuneration.

If this were an original question, submitted to the legislature for the first time, to be adopted or rejected at pleasure, you might, in its rejection, run no risks—create no embarrassments. But adopt what course you may, you are not at liberty to sketch your own plan, and then provide materials suitable to your purpose. Materials illy assorted for any design you may wish to execute, lie before you. Difficulties will impede your progress at every step. It is, at best, a choice of evils, and the question is, which is the least?

Permanent relief can only be obtained by the adoption of those measures which will enable the State to realize the largest amount from the sums already expended, bear the least oppressively on the people, and at the same time sustain her character and credit under all circumstances. To attain this result, I would earnestly recommend a strictly defined modification of the original system, submitting the whole of the works to the most rigid scrutiny, as respects their advantages, the facility of their completion, and their present and future cost. Ample provision should be made to protect the works from injury and decay. At the proper time, let a part of them be taken up and finished, as the ascertained means and resources of the State will enable us. Let those works be selected which can be completed with the least expense, and which will yield the greatest amount of revenue, and be of the most advantage to the State, considered with reference to their extent and actual cost. The terms of this modification ought to be well defined, and based upon principles of the most rigid econo-



my. The work or works to be prosecuted, and the amount of money to be expended, ought to be definitely specified, leaving nothing to the discretion of the Board of Public Works, except the mere details.— This will place the whole responsibility upon the immediate representatives of the people, and protect them from the evils of that legislation which indirectly screens the conduct of public officers from the corrective action of the ballot-box. By a prudent adherence to these principles, although all the labor and money heretofore expended, cannot be saved from loss, still, much may be done towards rescuing the State from her present condition.

There are many who dread the prosecution of all the works, and to prevent this, they insist upon the utter prostration of the whole. Such a course, it strikes me, is exactly calculated to fasten upon us the very evils so much deprecated. As the times now are, it would not be difficult to prevent their future progress. But when a change shall come for the better, the same combination of different interests which led to their commencement, will produce the renewal of their prosecution; and if the system, in its present extent, could not command force enough to put it again in progress, its friends, rather than abandon it altogether, would unhesitatingly add other works, and thus it might be brought back upon us in a more oppressive form than at first. The question is now submitted to the good sense of those opposed to the system as projected in 1836, whether it is not the part of prudence, when it is prostrate, to join in settling a plan for its modification and restriction, which will at once put an end to all other questions respecting the manner of its prosecution.

As a measure of relief, the plan of selling out the public works, in their present condition, to companies, has been frequently suggested. The proposition is plausible; but is there even a probability that any body of capitalists can be found, who will take our works on such terms as will render the stock profitable to them, and, at the same time, be safe and advantageous to the State? All who understand the subject know well, that the value of public improvements does not depend alone upon the amount of tolls which may be collected. The facilities furnished for the transmission of the surplus productions of the country to market, the cheapness of freight, the increase in the value of property, and the additional stimulus to trade and commerce, are some of the important advantages which are secured by judicious improvements. To make them productive in revenue, beyond the common interest of the money expended upon them, would, generally so much increase the cost of transportation as to defeat one of the primary objects of their construction. A work may be of great advantage to the section of country through which it passes, and yet not yield such an amount, in the collection of tolls, as to induce monied men to invest their capital in such an enterprise. And furthermore, capitalists are becoming cautious in the investment of money in projects of this character. Associated wealth, clothed with corporate privileges; has been strongly denounced within the last few years. Such associations have been held up to the public gaze, as dangerous

monopolies, aristocratic in their character, anti-democratic in their tendencies, and calculated to subvert those principles which lie at the foundation of our form of government. The doctrine of vested rights, existing with reference to these institutions, beyond the unlimited control of the Legislature, has been, by many, strongly repudiated. Under such circumstances, men could not easily be found to invest their capital, to the extent proposed, where their operations would bring them in daily contact with the business of the country, and all the details of its trade and commerce.

I do not wish, however, to be understood as objecting to the project itself. It is its practicability as a means of relief, to which I wish to call your attention. After the most careful investigation of its claims, it strikes me most forcibly, that its chief merit consists in its plausibility. There can be no objection to it, if its adoption can be secured on safe principles. It ought, however, to be remembered, that it would place all our avenues of commerce and trade in the hands of strong monied power. These companies would insist on the exclusive right of way, and such privileges as would secure to them the full enjoyment of that right, and without which their stock might be rendered valueless by the interference of a future legislature. It is therefore essential that the power should be reserved, of exercising a strict scrutiny over all their operations, and so far controlling them as to prevent the exaction of excessive tolls, and the opening or closing these avenues as whim or interest might dictate. And above all, the most undoubted security should be required, to save the State harmless, to the full extent of the terms agreed upon. Much caution is necessary, lest the result may increase the burdens which are now bearing down so heavily upon us. If responsible companies can be induced to take the works off our hands with proper conditions and restrictions, the State can well afford to grant the most liberal terms of payment.

A delicate question presents itself in examining how the faith of the State was left, during the present year, to the care of her fiscal agents, without the requisite legislative assistance. Year before last, a tax was levied, of thirty cents on each hundred dollars, of the grand assessment, for the payment of the interest on the debt created for Internal Improvements. Last winter the levy was reduced to fifteen cents, although the debt had been greatly enlarged from the previous year. This amount of revenue, including the poll tax, after deducting what is necessary to pay the current expenses of the State government, will fall far short of paying the interest we owe.

Men, looking only to those shifts and expedients calculated to secure present popularity, may risk such a course; but it pays no part of the public debt. Instead of discharging our liabilities gradually, they are suffered to accumulate; for while the taxes are lessened and the interest paid, as it has been this year, that amount of interest, itself drawing interest, is left to be added to the principal, or to the sum to be drawn hereafter from the people by taxation. Every prudent man who owes a debt above his present means, which he intends to pay, regards its liquidation by regular instalments, as preferable to its accumulation at compound interest, whenever it can be avoided.

It is important that the people should distinctly understand the real issue tendered in this question. It is not a matter respecting merely the reduction of taxes. It goes to the question—Shall the faith and character of the State of Indiana be sustained. The Fund Commissioners, in devising the means for the payment of the interest this year, must have done so in the belief that the Legislature would ratify their proceedings, and prevent the recurrence of a similar state of things. Should you follow the example set by your immediate predecessors, it must be regarded as the solemn determination of the State, that she will not pay her debts. To do this, would affix a stain on the character of her citizens that could never be effaced, and would render her name a reproach and a by-word. We must discharge our honest liabilities with the most scrupulous punctuality. To do this requires of those to whom the destinies of the State are confided, the firmness of men looking not to that popularity which passes away with the occasion in which it had its origin, but to her true interests and ultimate prosperity, and her disenthralment by those means which will endure the scrutiny of every fair and honorable mind. The State comes to you involved in these difficulties. The people are fully aware of the condition of their affairs. The trusts reposed in you, simply require at your hands, that as honest men, you will do the best that circumstances will permit, consistently with the honor and credit of the State: and to shrink, at this time, from providing the means for meeting her obligations, would be distrusting the honesty and intelligence of the people.

Much individual indebtedness was created during the progress of the works of Internal Improvement. When operations ceased in 1839, and prices fell at the same time, the people were left, in a great measure, without the means of commanding money to pay their debts. Should Providence bless us with fruitful seasons, the industry and economy now exercised, and the caution with which new debts are contracted, will enable them to free themselves of individual embarrassment by the close of the year 1842. Until this shall be the case, it may be found inexpedient to resort to full taxation. While seeking to discharge the interest we owe, by the sound and legitimate mode of drawing on our own resources, our citizens should be favored as much as possible, until the pressure of their own debts shall be removed. If the Legislature can provide the means of meeting the interest on the State debt, for two years, without increasing the rate of taxation beyond the reasonable ability of the people, they will then be in a much better situation to meet all necessary demands upon them; and no one, acquainted with their true character, will deny that they possess the patriotism to do so, for the purpose of sustaining the honor and integrity of the State. Provision should be made by law for supplying any deficiencies which may occur in the revenue, in order that the interest may be paid as it falls due, by resorting to such sources of relief as may occur, or have been suggested by my predecessor as far as they may be found expedient or practicable.

General enactments, granting extensive discretionary powers to

public officers; are calculated to defeat the design with which the Legislature was constituted. Looking to the past I feel it my duty to recommend that every thing respecting the finances and obligations of the State, and the payment of the interest accruing on her debts, should be regulated by law, and not be left hereafter to the discretion or individual responsibility of public agents. Our bonds frequently have been sold on time, and the result is a sufficient admonition, not to part with them under any circumstances, unless they can be disposed of on such terms as will secure the money at the time of their delivery. And in meeting the contracts and liabilities of the State, in endeavoring to carry out any course of policy which may be adopted hereafter; the credit of the State should be established on such a firm basis that no emergency could force us into the disposal of our bonds for less than their par amount.

Your attention is also solicited to the unequal assessments of real estate in the different counties, with a view of providing for their equalization. Officers not bound to any correspondence with each other, must necessarily make very different estimates of lands which are equal in value. Some alteration of the law is necessary on another ground. The counties which are to reap the advantages to be derived from the public works, ought in justice to be required to sustain an amount of taxation bearing a more equitable proportion to those advantages, than will be found to be the case under the practical operation of the existing law.

The payment of our State debt is looked upon by some as almost impossible. The public works yield but little profit in their unfinished condition, and we cannot expect any permanent relief until we can procure additional means for their prosecution. Under these circumstances, your attention is directed to the distribution of the proceeds, of the public lands: not that we should apply to this source as a matter of necessity merely, but of right. Originally, many of the states owned large tracts of wild lands. During the Revolutionary war, each of the States, to a greater or less extent, incurred expenses in its prosecution. For the purposes of adjusting these expenses, and promoting the harmony of the Union, it was strongly recommended by Congress, to the states owning lands, to make liberal cessions of them to the General Government. On the 10th of October, 1780, Congress enacted "that the unappropriated lands which might be ceded to the United States by any particular State, pursuant to the recommendation of Congress of the sixth of September previous, should be disposed of for the common benefit of the whole." And accordingly, several of the States ceded their unappropriated lands for this purpose. Virginia, then owning all the territory now comprised in the States of Ohio, Indiana, Illinois, and Michigan, and the territory of Wisconsin, accompanied its cession with the following condition, which is substantially the same with the terms of all the other cessions, that these lands "shall be considered a *common fund* for the use and benefit of such of the United States as have become, or shall become members of the confederation, or federal alliance of the said States; Virginia

inclusive, according to their usual respective proportions, in the general charge and expenditure; *and shall be faithfully and bona-fide disposed of for that purpose and for no other use or purpose whatever.*" Another portion of the public lands lay within Louisiana, purchased from France, and the Floridas, purchased from Spain. From the terms of the several cessions, and the manner in which the lands procured from France and Spain were acquired, and paid for out of the common treasury of the States, in their federate capacity, the whole must be regarded as held in trust by the General Government for their common benefit.

The proceeds of these lands were specially held as a fund to be applied to the payment of the national debt, which was finally discharged in the year 1832. As soon as this was accomplished, a controversy arose immediately as to what disposition should be made of the public domain. It has been proposed to cede parts of it to the states within whose limits they are situated. To this the old states will not readily consent; and so far as respects the ceded lands, it would be in direct violation of the terms of their cession. In the year 1832, a bill providing for the distribution of the proceeds of the public lands passed both Houses of Congress, but failed to receive the sanction of the President. It provided that the new States, of Ohio, Indiana, Illinois, Alabama, Missouri, Mississippi, and Louisiana, should receive twelve-and-a-half per centum on the net proceeds arising from lands sold within those States respectively, after the 31st of December, 1832. This was to be in addition to the five per cent. before reserved, making altogether, seventeen and half per cent. The remaining sum was to be divided among the several States in the ratio of their federal representative population, according to the census of 1830. The twelve-and-a-half per cent. was allowed on account of the constant and rapid increase of the population of those States. This plan of distribution was to be continued in force for five years, except in case of a war, when its operation was to cease.

By the report of Mr. Whitcomb, Commissioner of the General Land Office, laid before the Senate of the United States, in compliance with a resolution calling for information respecting the proportion of the net proceeds of the public lands which each state would have received under the distribution bill of 1832, it appears that the whole amount realized from the time the act would have taken effect, to the 30th of September 1838, was fifty-seven millions two hundred and twenty-seven thousand five hundred and twenty dollars; and that the distributive share of Indiana, including the twelve-and-a-half per cent. would have been two millions six hundred and forty-six thousand seven hundred and forty-four dollars. The average sum annually received by the State would have amounted to five hundred and twenty-nine thousand three hundred and forty-eight dollars.

The reduction and graduation of the price of the public lands, and projects for their cession in some form or other, to a part or all of the states, have been assiduously kept before the people, without even a probability of the adoption of any of them. All this time the lands

have been sold off rapidly, and this large sum of money has been appropriated in numerous instances, to objects of at least questionable utility. It has been said that if the public lands are given directly to the states, they will be wasted; and that it is holding them up for purposes of plunder and systematic fraud. If they are held by the General Government for the common benefit of the states, and for no other use or purpose whatever, it certainly is not wrong for those states to ask their appropriation in a manner that must be much more beneficial than any other disposition that can be made of them. Besides, if it were proper, the question might be pressed, whether there is not as much danger of the proceeds being wasted, or misapplied, in the hands of the General Government, as by the states, particularly when so many of them have the strongest incentives, from the pressure of their debts, to be prudent and economical in their application. It has also been objected to the project of distribution, that it will cut off every prospect of graduating or reducing the prices at which the public lands shall be sold hereafter. To this it may be answered that there is just as much reason to believe that the states in their eagerness to obtain their respective shares as speedily as possible, will be as much, if not more, disposed to reduce the price of the public lands equally, or by a system, of graduation, as under the present plan.

An objection somewhat plausible has been raised that the amount expended for the purchase of Louisiana and the Floridas, and extinguishment of the Indian title, together with the expenses of our land system, has far exceeded the sum derived from the public lands, and therefore there is no propriety in distributing the proceeds until enough has been obtained to cover all these expenditures. This is assuming the false premises that the people of the several states are not the people of the United States. The public domain has been paid for with the money of the people of the states in their national character; and if the General Government was free from debt, (as was the case when the distribution bill passed,) on account of the public lands or otherwise, no sufficient reason can exist why such an objection should be sustained. The fact that the revenue derived from the duties on foreign importations is insufficient to defray the ordinary expenses of the General Government, and the necessity of taking the proceeds of the public lands to supply this deficiency, has been urged as a reason against applying them to any other purpose. This has been produced by the constantly diminishing rate of imposts, under the compromise act of 1833. A tariff of duties sufficient to meet the expenditures of the Government, it is believed by many of the friends of a protective system, if properly adjusted, will afford adequate protection to American manufactures; enable Congress to dispose of the public lands for the benefit of the states, and provide a steady and permanent market for the consumption of our agricultural products.

Schemes for the disposal of the public lands may be devised, promising greater advantages to the state of Indiana; but it is extremely doubtful whether any plan can be brought forward which will be as likely to give general satisfaction as one similar in its general charac-

ter, to the distribution bill of 1832. At least, it is certainly better while the people of our state are pressed down with the weight of their public debt, that we should avail ourselves of relief in this form, than by grasping at more, as has been done, to lose all.

Mr. Norvell from the committee of the United States Senate, to which was referred Mr. Calhoun's land bill, made a report on the 13th of May, 1840 from which the following extract is taken, to exhibit the quantity of unappropriated lands, the proceeds of which may still be made subject, to distribution. "It appears," says the committee, "from a report of the Commissioner of the General land Office, (see doc. 46, 3d session, 25th Congress,) that the whole quantity in acres of the public domain on the 30th of September 1838, to which the Indian title was not extinguished, amounted to seven hundred and sixty-six millions, in round numbers. There was at the same time, as appears by the same report in the states and territories, three hundred and nineteen millions of acres, to which the Indian title was extinguished; making the whole public domain in the aggregate at the time, to be ten hundred and eighty-five millions of acres; from which about five millions of acres may be deducted for sales since made, leaving now about ten hundred and eighty millions of acres."

The correctness of this report will not be doubted. The quantity of land sold since it was made in May last, and purchased from the Indians since the 30th, of September, 1838, is not sufficient to affect, materially, any calculations based on the above estimated quantities. At the present minimum price, the whole would bring thirteen hundred and fifty millions of dollars. No one, however, can determine with accuracy the average amount per acre, for which they can be sold, nor the probable cost of extinguishing the Indian title. But there can be little doubt that it is a safe estimate, to say that the public domain can be disposed of at the average price of seventy-five cents per acre, and that the whole Indian claims can be obtained at the cost of twenty-five per centum on their value at one dollar and twenty-five cents per acre. The seven hundred and sixty-six millions of Indian lands at seventy-five cents per acre, would be worth five hundred and seventy-four millions five hundred thousand dollars. Deducting from this amount, twenty-five per centum of the minimum Congress price, making two hundred and thirty-nine millions three hundred and seventy-five thousand dollars as the sum necessary to extinguish the Indian title, leaves the net proceeds at three hundred and thirty-five millions one hundred and twenty-five thousand dollars. Then taking from the three hundred and nineteen millions of acres already acquired, five millions, as the quantity sold since the 30th of September, 1838, there remain three hundred and fourteen millions of acres, which, at seventy-five cents per acre, would produce two hundred and thirty-five millions five hundred thousand dollars. This amount, added to the preceding estimate, makes the immense sum of five hundred and seventy millions six hundred and twenty-five thousand dollars, which may be divided among the different States.

Assuming the representation of the states in Congress as the basis

of distribution, and that under the apportionment which will be made according to the census of 1840, we shall have twelve representatives, (the whole number remaining as now, at two hundred and forty-two, and if not, our delegation will be in a similar proportion to any other number adopted,) it would make our distributive share to be twenty-eight millions two hundred and ninety-five thousand four hundred and fifty-four dollars. This calculation rests on the assumption that the population of the states is to remain the same. But Indiana will continue to increase largely in numbers for many years, far beyond many of the other states, which will entitle her to a much greater sum. After making liberal allowances to cover all deficiencies and reservations, I think we may safely set down the amount which may be derived by this state, at thirty millions of dollars. This sum ought not to be made liable to any deduction on account of the portion of the surplus revenue which we have received, as there can be no valid objection to its being retained, on the amount to which we would have been entitled, under the distribution bill of 1832.

If a scheme of distribution were once satisfactorily adjusted in such a manner that the state would be enabled to vest this fund so as to apply its proceeds to the payment of her current debts, and pledge it as a security for such debts as it might be found necessary to contract hereafter, for judicious works of improvement, or for other purposes, its amount and stability would place the credit of the state on a permanent foundation, lighten the taxes on the people, and furnish the means for the most liberal provision for the benefit of common schools, and the general promotion of education. It is important to bring this subject before Congress at as early a day as practicable, with instructions to our Senators and Representatives to use their exertions to procure the adoption of some mode of distribution, consistent with the rights of the states, and which will secure to us, as soon as possible, the full advantages of such a system.

The State owes the State Bank, including interest to next July, about \$692,435. It is essential to the business of the country that this debt should be arranged at as early a day as possible, inasmuch as the Bank is restricted in its accommodations to a corresponding amount. The particular connection with Internal Improvements by which this indebtedness was produced, should not be forgotten. The object of the Bank should be the promotion of the agricultural and trading interests, and its issues should be governed by the demands and wants of those interests. But if we connect it too closely with the uncertain fortunes of our public works, its whole business may in the end be controlled by their success, fluctuations, or accidental embarrassments. The Bank has become of vast importance to the people in furnishing the means to purchase and carry off their surplus produce to market. This is one of its most valuable offices, and it should be the aim of the Legislature, as it is the interest of the people, to secure its management with faithfulness and ability. The prospect of a return to the system so long and successfully practised by the General Government, from the days of Washington to the commencement



of the present administration, of transacting the financial business of the General Government with the same currency, under safe restrictions, which is used by the people, justifies the expectation that the payment of specie will soon be resumed permanently by all the solvent banking institutions in the country, including our State Bank and Branches.

As the subject of Banks has been a fruitful theme of discussion for a number of years, I trust a few remarks from me, respecting them, will not be deemed inappropriate. Men looking only to their own political aggrandizement regardless of the public welfare, seize upon every thing wrong in their management, not to correct it, but to hold it up to the community as conclusive evidence that all banking institutions are necessarily corrupt. We hear it said that they are created solely for the benefit of the stockholders, and the inhabitants of the towns and cities where they are situated, whose only object is to speculate at the expense of the people. Banks exist because they are profitable to the stockholder and the borrower; although they would not be worth a moment's legislation if their benefits extended no further. They are not objectionable simply because every man in the community is not accommodated with loans, if those who borrow throw the money into circulation through the ordinary channels of business and trade. Nevertheless, as far as their means will permit, they should be required to pursue a liberal and enlarged policy, in aiding all the active branches of business which may require assistance. A liberal profit is made on the capital employed; and yet, no man who borrows money, can procure it at as low a rate of interest from any other source. When properly regulated, banks exercise a beneficial influence on labor and enterprise, almost incalculable. When injudiciously or dishonestly conducted, they are powerful instruments of evil to the country, and ultimately, of loss to those who own the stock. They should be watched with a jealous eye, not with a view to their destruction, but for the purpose of restricting them to their appropriate spheres. It is true they are not placed on farms nor in the woods, but in towns, not for their particular benefit, but as the central points of business. Steamboats procure employment because they are profitable to the owners, and the people use them because they find them convenient for transportation. Great loss of life and property is sustained by them, and even associated wealth has ventured to own them. Fortunately, however, for the country, those who manufacture political capital by arraying one interest against another, have not made the discovery that because they navigate our rivers and refuse to run on dry land, therefore they ought to be put down as dangerous monopolies.

A paper currency, readily convertible into specie on demand, is essential to our progressive improvement. In it is laid the foundation of the true credit system, which is our surest protection against the actual monopolies of capitalists. Credit constitutes the capital of the poor man, bestowed upon him as the reward of his enterprise and integrity. With it, he can compete successfully with wealth in all its

forms. Without it, labor and property would be brought entirely within the heartless grasp of individual wealth, whose operations can never be brought under the control of legislation. All branches of regular business, whether dependent on wealth or labor, are essential to each other. When one prospers, all prosper. Disturb one, and the others are also affected. True policy requires us to cherish and sustain all these interests, and protect each from the undue encroachments of the rest.

With regard to Common Schools, it is perhaps scarcely necessary for me to say, that I shall always take the deepest interest in their prosperity, and I trust it will be a prominent object of our mutual regard and counsels, that they may be brought within the reach of every family in the state, under the instruction of competent teachers.

The powers with which the Executive of the State is clothed, are limited; but it will afford me the greatest pleasure to co-operate with the Legislature, in carrying out those principles which recognize a strict impartiality among the diversified interests and claims of the different parts of the State—the maintenance of her rights, and the preservation of her faith, at every hazard—the observance of a prudent economy, and a strict accountability in the administration of every branch of the public service—and the creation or continuance of no public office for selfish ends, but merely as a trust to be faithfully and honestly executed for the common welfare. Whatever is done, where different views of policy may exist, I must hope will be effected in the exercise of a liberal spirit of compromise and forbearance. It is highly desirable, for the advancement of the social and public relations which should ever bind us together as one people, that our zeal and solicitude should be directed to the best provision for the future, instead of recrimination as to the past; and although our prospects are darkened by the adverse circumstances with which we are surrounded, we may console ourselves with the reflection, that in an honest and fearless discharge of duty under every exigency, we may look forward with confidence to the approval of our constituents, and of our own consciences; and above all, with humble trust, to the continued guidance of a beneficent Creator, whose signal providence has so often proved our country's safety and sure defence.

SAMUEL BIGGER.

Indianapolis, December 9, 1840.

The Senate then returned to their chamber,  
And the House adjourned until to-morrow morning at 9 o'clock.

THURSDAY, DEC. 10th, 1840.

The House met pursuant to adjournment.

The Speaker laid before the House the following as the order of business, until otherwise directed by the House:

- 1st. Reading of the Journals.
- 2nd. Petitions, Memorials, and Remonstrances.
- 3rd. Reports from Standing committees:
  - 1st. Of Elections.
  - 2nd. Of Ways and Means.
  - 3rd. Judiciary.
  - 4th. Education.
  - 5th. Military Affairs.
  - 6th. On the affairs of the State Prison.
  - 7th. On the affairs of the town of Indianapolis.
  - 8th. On Claims.
  - 9th. On Roads.
  - 10th. On Canals and Internal Improvements.
  - 11th. On Agriculture.
  - 12th. On Corporations.
  - 13th. On the State Bank.
  - 14th. On Federal Relations.
- 4th. Reports from Joint Standing Committees:
  - 1st. On Public Buildings.
  - 2nd. On the Canal Fund.
- 5th. Reports from Select Committees.
- 6th. Resolutions of the House.
- 7th. Joint Resolutions.
- 8th. Bills.
- 9th. Orders of the day.

The Speaker also announced the appointment of the following Standing Committees:

#### JOINT COMMITTEES.

- 1st. *On Public Buildings.*—Messrs. Blair, Kerr, and Bradbury.
- 2nd. *On the Canal Fund.*—Messrs. Mason, Hamer, and Clark of Dearborn.
- 3rd. *On the State Library.*—Messrs. Matson, Miller, and Clark of Fountain.

#### COMMITTEES OF THE HOUSE.

- 1st. *On elections.*—Messrs. Atherton, Rippey, McCully, Peck, Henley, Houghton, and Ball.
- 2nd. *Of Ways and Means.*—Messrs. Jenckes, Dunn, Butler of Vanderburgh, Woodard, Read, Stanford, and Hiatt.

3rd. *Judiciary*.—Messrs. Sweetser of Marion, Matson, Rulon, Brenton, Robbins, Walpole, and Howe.

4th. *Education*.—Messrs. Clark of Tippecanoe, Montgomery of Warren, Lancaster, Rose, Terrell, Durbin, and Kile.

5th. *Militia*.—Messrs. Zenor, Saylor, Harrah, Schoonover, Ritchey, McCoy, and Conner.

6th. *State Prison*.—Messrs. Montgomery of Gibson, Zenor, Newel of White, Dunbar, Lucas, Chrisman, and Russell.

7th. *On the affairs of the town of Indianapolis*.—Butler of Vanderburgh, Leslie, Coleman, Carr, Welch, Sloan and Harding.

8th. *On Claims*.—Messrs. Boon, Conwell, Goodenow, Shanks, Harrison, Leslie, and Byers.

9th. *On Roads*.—Messrs. Morgan, Foote, Shawhan, Burton, Blankenship, Rayburn, and Quick.

10th. *On Canals and Internal Improvements*.—Smith of Fayette, Dowling, Defrees, Smydth of Daviess, Jones, Terrell, and Stratton.

11th. *On the State Bank*.—Messrs. Farrington, Burgess, Chiles, McCrilles, Dunn, Hanna, and Bowles.

12th. *On Agriculture*.—Messrs. Freeman, Brown, Blair, Worth, Sweetser of Grant, Ross, and Rawlings.

13th. *On Corporations*.—Messrs. Robinson, Shortridge, Elkins, Bowers, Runyan, Coffeen, and Graham.

14th. *On Federal Relations*.—Messrs. Champer, Wilson, Robinson, Sweetser of Marion, Mason, Cole, and Casey.

15th. *On Engrossed Bills*.—Messrs. Shanks and Ross.

16th. *On Enrolled Bills*.—Messrs. Butler of Cass, and Newel of Fountain.

The Speaker then laid before the House the resignation of Delana R. Eckles, Esq., the Prosecuting Attorney for the seventh Judicial Circuit.

On motion of Mr. Zenor,

*Resolved*. That one hundred copies of the order of business and of the standing committees, be printed for the use of the members of this House.

The Speaker laid before the House the annual reports of the Branches of the State Bank of Indiana, at Richmond, South Bend, Evansville, Bedford, Madison, New-Albany, Terre-Haute, Lawrenceburg, and Vincennes, which,

On motion of Mr. Graham,

Were referred to the committee on the State Bank.

Mr. Chiles presented the petition of Wm. Elrod, and others, on the subject of a special term of the circuit court in Putnam county.

Which was read and referred to a select committee consisting of Messrs. Chiles, Farrington, and Butler of Vanderburgh.

Mr. Matson presented the petition of Samuel Rockefeller and others, which, without reading, was referred to a select committee consisting of Messrs. Matson, Smith of Fayette, and Boon.

Mr. Dunbar presented the petition of Rawley Scott and others,

which was read, and referred to a select committee consisting of Messrs. Dunbar, Read, and Bowles.

Mr. Burton presented the petition of Samuel Miles and others, on the subject of vacating part of the town of Bowling-Green, in Clay county; which was read and referred to a select committee consisting of Messrs. Burton, Coleman, and Dowling.

Mr. Burton also presented the petition of A. Randall, jr., and others, asking an appropriation for draining a certain pond; which was read and referred to the committee on Canals and Internal Improvements.

Mr. Burton also presented the petition of J. M. Hanna and others, concerning a certain State road; which was read and referred to the committee on Roads.

Mr. Walpole then presented the petition of Arthur Morrison and others, on the subject of a road; which was referred to a select committee consisting of Messrs. Walpole, Harding, and Foote.

Mr. Rulon presented the petition of the inhabitants of Congressional Township No. 23, in Jay county; which was referred to the committee on Education.

Mr. Sweetser of Marion, presented a memorial of Nathaniel West, asking for relief in a certain case therein mentioned; which was referred to the committee of Canals and Internal Improvements.

Mr. Dunbar presented the petition of Andrew Robertson and others, asking for a change of the law regulating the holding of the courts in Jackson county; which was referred to a select committee of Messrs. Dunbar, Howe, and Robbins.

Mr. Mason offered the following resolution,

*Resolved*, That a select committee of three be appointed to report to this House the amount received in any form by the Auditor, Secretary and Treasurer of State, as a compensation for their services; also such changes in the law regulating their salaries and the mode of transacting the business in those departments as they may deem necessary.

When, Mr. Dunn proposed to amend the resolution as follows:

“And that the Secretary of State, Treasurer, and Auditor of Public Accounts forthwith report to this House a full and complete statement of the emoluments of their respective offices, showing under separate heads the several items of compensation now derived, whether as salaries, fees, perquisites or otherwise.”

Which amendment was accepted by Mr. Mason.

Mr. Sweetser of M., moved to “strike out the word “now” and insert “during the past year.”

Which was agreed to by the House and the resolution adopted.

Messrs. Mason, Conwell, and Clark of Tippecanoe, were appointed said committee.

On motion of Mr. Dowling,

*Resolved*, That the printer to this House be directed to print two thousand copies of the address of Samuel Bigger, Governor of Indiana, for the use of the members thereof.

Mr. Coleman moved to strike out “two” and insert “five” thousand.

Mr. Chiles proposed one thousand.

Mr. Mason proposed one thousand five hundred, when, Mr. Walpole called for a division of the question, and the motion being put, the number two thousand was struck out and one thousand five hundred inserted and the resolution adopted.

Mr. Peck offered the following resolution,

*Resolved*, That the committee on Federal Relations be instructed to inquire into the expediency of instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of a bill levying a protective duty on foreign importations sufficient to defray the expenses of an economical administration of the Federal Government. And for a distribution of the proceeds arising from the sale of all the public lands to the several States of this Union agreeable to their federal representation—first securing for the new States the best possible per cent.; with leave to report by bill or otherwise.

Which,

On motion of Mr. Smydth of D.,  
Was laid upon the table.

On motion of Mr. Robinson,

*Resolved*, That the Governor's message be committed to a committee of the whole House and made the order of the day for Tuesday next.

Mr. McCully offered the following resolution,

*Resolved*, That the committee on the judiciary be directed to make a complete revision of the Estray laws now in force in this state, and that they be requested to lay a revised bill before this House at as early a day as practicable.

Mr. Morgan moved to strike out "judiciary" and insert "select" committee, which was agreed to by the House; when,

On motion of Mr. Smydth of D.,

The resolution was further amended by striking out the word "directed" and insert "inquire into the expediency;" and the resolution was then adopted.

Messrs. McCully, Morgan, and Smydth of D. were appointed said committee.

Mr. Leslie moved the following resolution,

*Resolved*, That the standing committee on Federal Relations be instructed to report to this House, at an early day, a resolution requesting our Senators and Representatives in Congress, to use their influence, and vote for the repeal of the law passed at their last session, commonly called the Independent or Sub-Treasury bill.

Mr. Smydth of D. moved to lay the resolution on the table, and the ayes and noes being demanded by Messrs. Leslie and Burton,

*Those who voted in the affirmative were*

Messrs. Ball, Boon, Bowles, Brenton, Brown, Burgess, Burton, Butler of C., Byers, Carr, Casey, Chiles, Chrisman, Clark of Fountain, Coffeen, Cole, Conner, Dowling, Dunbar, Durbin, Farrington, Foote, Graham,

Hamer, Henley, Houghten, Jenckes, Kerr, Lucas, Matson, McCoy, McCully, Montgomery of Warren, Newell of Fountain, North, Peck, Read, Ritchey, Rippey, Robbins, Robinson, Rose, Rulon, Saylor, Schoonover, Shanks, Smydth of Davies, Sweetser of Marion.—48.

*Those who voted in the negative were,*

Messrs. Atherton, Blair, Blankenship, Bowers, Bradbury, Butler of Vanderburgh, Clark of Dearborn, Clark of Tippecanoe, Coleman, Conwell, Defrees, Dunn, Elkins, Freeman, Goodenow, Harding, Harrah, Harrison, Hiatt, Jones, Kyle, Leslie, Mason, Miller, Montgomery of Gibson, Morgan, Newell of White, Quick, Rawlings, Rayburn, Ross, Runyan, Russell, Shawhan, Shortridge, Sloan, Stanford, Strattan, Sweetser of Grant, Terrell, Walpole, Welch, Wilson, Woodard, Zenor, and Mr. Speaker.—46.

So the resolution was laid upon the table.

On motion of Mr. Jones, it was

*Resolved*, That the committee on Education be instructed to inquire into the expediency of making a complete revision of the School law, at the present session and so simplify said law that it may be more easily understood, and if they find such revision necessary, that they may be further instructed to lay a revised bill before this House at as early a day as practicable.

On motion of Mr. Robinson,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law regulating the duties and jurisdiction of Justices of the Peace, as to authorize any plaintiff, whenever he commences a suit before a Justice of the Peace, on a joint, or a joint and several contract, and the process shall be returned served on one or more of the defendants and not found as to others, to suggest the facts on the docket of the justice and proceed to trial, judgment and execution against the defendant or defendants, on whom process has been served; and that they report by bill or otherwise.

Mr. Smydth of D., offered the following resolution,

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of making it the duty of the Fund Commissioners to collect the Treasury Notes of the State of Indiana, of the denomination of \$50, issued by virtue of "An Act for the immediate relief of contractors, and others engaged on the Public Works" as they may be presented to them by the holders thereof, and disburse to them in exchange therefor Treasury Notes of the denomination of \$5, bearing the same amount of interest payable at the same time, and in like manner as the denomination of \$50; with leave to report by bill or otherwise.

Mr. Matson moved to amend, by striking out the words "bearing the same interest" and inserting the words "without interest."

Mr. Boon called for a division of the question, (which was on striking out,) but before the vote was taken,

Mr. Conwell moved to lay the resolution and amendment on the table, which was decided in the affirmative.

On motion of Mr. Stanford, it was then

*Resolved*, That the committee on Education be directed to inquire into the expediency of defining by law, what branches of literature shall be taught in Congressional Schools. And of giving any portion of the inhabitants of any School District, the right to require in the employment of teachers, a capability to teach all or any of those branches of literature.

Mr. Conwell offered the following resolution,

*Resolved*, That the committee of ways and means be directed to inquire into the expediency of repealing the usury law, of this state, or to so alter the law, regulating the rate of interest, that it will be lawful to charge only six per cent. per annum, on current paper, and five per cent. on gold and silver; with leave to report by bill or otherwise.

Which, on motion of Mr. Jones,

Was laid upon the table.

Mr. Burton offered the following resolution,

*Resolved*, That the Inaugural Address of his Excellency Gov. Bigger, be committed to a committee of the whole House, and made the order of the day for Tuesday next.

Which resolution was not adopted.

Mr. Dowling then offered the following resolution,

*Resolved*, That the Sergeant-at-Arms of this House be directed to contract with the editors of the Indiana Journal and Indiana Democrat for the delivery of *one* number of their respective papers to each member, on every publication day during the present session of the General Assembly.

Which, on motion of Mr. Durbin,

Was laid upon the table.

Mr. Brenton then offered "a joint resolution No. I, relative to the constitution of the United States" which was read first time, and passed to a second reading on to-morrow.

Mr. Walpole introduced Bill No. 2, "to regulate the practice in suits at law," which was read the first time, and passed to a second reading on to-morrow.

The House then, on motion, adjourned until 2 o'clock, P. M.



2 o'clock, P. M.

The House met pursuant to adjournment.

The following message was then received from the Senate by Mr. Maguire, their Secretary.

MR. SPEAKER,

I am directed by the Senate to inform the House of Representatives that the Senate refuse to concur in the amendment made by the House of Representatives to the resolution of the Senate in relation to the election of Secretary of State, Auditor of Public Accounts, Treasurer of State, and Circuit Judges and Prosecuting Attorneys in those circuits in which vacancies have occurred by resignation or otherwise.

On motion of Mr. Coleman,

The House then receded from their amendment to the resolution of the Senate.

Mr. Coleman then moved that the House concur in the said resolution, with the following amendment, to-wit:

Strike out "Thursday" and insert the word "Friday."

Which motion prevailed, and it was ordered, that the Clerk inform the Senate thereof.

The Speaker then laid before the House the report of the Secretary of State, which,

On motion of Mr. Graham,

Was referred to the committee on ways and means.

Mr. Bowles then presented the following protest, which was read, and ordered to be spread upon the Journal:

The undersigned protest against the resolution adopted on yesterday on the subject of public printer.

1st. Because the resolution was introduced and referred to a select committee instructed to examine into and report the facts which was not done:

2d. Because the resolution to reinstate Osborn and Chamberlain to be printers to this House which right they forfeited in electing to sue the State.

3d. Because it is the deliberate opinion of the undersigned that the printer to the House is an officer of the House and should be elected annually.

W. A. BOWLES,  
M. Z. SAYLOR,  
M. RIPPEY,  
E. L. DUNBAR,  
JAMES RITCHEY,  
DAVID BYERS,  
GEO. W. CARR,  
THOS. J. HENLEY;  
W. W. MCCOY.

Mr. Sweetser of Marion, asked and obtained leave to introduce the petition of Simon S. Wiseman for a divorce from his wife, Mary Wiseman: which was read, and

On motion of Mr. Stanford,

Referred to the judiciary committee.

The Speaker then laid before the House the report of the Treasurer of State, which, without reading, was referred to the committee on ways and means.

The Speaker also laid before the House the report of the Treasurer of State, in relation to the three per cent. fund, which,

On motion of Mr. Graham,

Was referred to the committee on roads.

Mr. Rayburn asked and obtained leave to introduce the petition of Thomas Skinner and others, on the subject of a road therein mentioned, which, without reading, was referred to the committee on Roads.

On motion of Mr. Mason, the report of the Auditor of Public Accounts was taken from the table and referred to the committee of ways and means.

On motion of Mr. Clark of Tippecanoe,

*Resolved*, That the committee on the State Bank, inquire into the expediency of prohibiting the emission or circulation of small bills or promissory notes, as a circulating medium (issued either by individuals or corporations,) by penal enactments, subjecting offenders to fine and imprisonment upon presentment or indictment.

Mr. Durbin, asked and obtained leave to introduce the petition of Samuel Records, and others, on the subject of a State Road, which, without reading, was referred to the committee on Roads.

Mr. Dunn offered for adoption the following resolution:

*Resolved*, That a committee of two be appointed from each Congressional district, to enquire into the propriety of so altering the election law, as to elect Congress men by general ticket; with leave to report by bill or otherwise;

Which, on motion of Mr. Jones, was laid upon the table.

On motion of Mr. Walpole,

*Resolved*, That the Judiciary Committee be instructed to inquire what amendments, if any, are necessary to the law authorizing changes of venue in criminal cases; with leave to report by bill or otherwise.

On motion of Mr. Robinson,

*Resolved*, That the members of this House respectively, who may introduce any subject matter, which may be referred to either of the standing committees, shall be considered as members of said committees during the investigation of that matter.

Mr. Zenor asked and obtained leave to introduce the petition of James M. Keithley, which was read and referred to the committee on Canals and Internal Improvements.

Mr. M'Cully offered the following resolution,

*Resolved*, That the committee on elections be instructed to enquire

into the expediency of so amending the law regulating elections as to compel every person to vote in the township in which they live.

Mr. Jones moved to lay the resolution on the table: which motion did not prevail.

Mr. Newell of F. then moved to amend as follows, "and also to subject unqualified voters to the same penalty, for voting or offering to vote, to which qualified voters are now subject for offering to vote twice at the same election."

Which amendment was adopted.

The resolution as amended, was then adopted.

Mr. Champer offered the following resolution,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of repealing "an act to prohibit the amalgamation of whites and blacks, approved Feb. 24th 1840;" and if a repeal of said law shall not be deemed proper, in that case, so to amend the same, as to inflict the penalty, in case of infraction, upon the parties marrying, instead of the clerks issuing the license; and to report by bill or otherwise.

Mr. Walpole moved that the resolution be indefinitely postponed; which motion did not prevail.

The question then recurring on the adoption of the resolution, and the ayes and noes being demanded by Messrs. Henley and Walpole,

*Those who voted in the affirmative were,*

Messrs. Blair, Blankenship, Boon, Bowles, Bradbury, Burgess, Burton, Byers, Carr, Casey, Champer, Chiles, Clark of D. Clark of F. Clark of T. Coffeen, Cole, Dowling, Dunbar, Durbin, Elkins, Freeman, Hamer, Harrison, Hiatt, Houghton, Jenckes, Jones, Kile Leslie, Lucas, Mason, M'Crillis, M'Cully, Miller, Montgomery of G. Montgomery of Warren, Morgan, Newell, of W. North, Peck, Rawlings, Ritchie, Robbins, Rose, Ross, Rulon, Saylor, Shawhan, Sloan, Smydth, of D. Smith of F. Stanford, Stratton, Sweetser of G. Sweetser of M. Terrell, Welch, Wilson, Woodard and Mr. Speaker.—68.

*Those who voted in the negative were,*

Messrs. Atherton Ball, Bowers, Brenton, Brown, Butler of Cass, Butler, of V. Chrisman, Coleman, Conner Conwell, Defrees, Dunn, Farrington, Foote, Goodenow, Harding, Harrah, Henley, Howe, Kerr, Matson, M'Coy, Newell, of F. Quick, Read, Rayburn, Rippey, Robinson, Runyan, Russell, Schoonover, Shanks, Shortridge, Walpole—35.

So said resolution was adopted.

On motion the House adjourned until to-morrow morning at 9 o'clock.

11.  
FRIDAY, DEC. 9th, 1840.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maguire; their Secretary:

MR. SPEAKER:

The Senate has concurred in the amendment of the House of Representatives, to the resolution of the Senate, fixing the 10th instant, for the election of Secretary of State, Treasurer of State, Auditor of Public Accounts, Circuit Judges of the several judicial circuits, and Prosecuting Attorneys, in which vacancies have occurred, by striking out the 10th instant, and inserting this day the 11th.

Messrs. Thompson and Wright are appointed tellers, on the part of the Senate.

The Speaker announced to the House the appointment of Messrs. Robinson, Montgomery of W. Newell of W. Zenor, Read, Matson, Butler of V. M'Crillis, Walpole, Terrell, Smith of Fayette, Blair, Farrington, Butler of Cass, Kile, Howe, Defrees, Rippey, Smydth of D. Champer, Coffeen and Rulon, as a select committee upon the subject of reorganizing the judicial circuits of this State.

The Speaker laid before the House a communication from the Secretary of State, in answer to a resolution of the House, in relation to the salaries and perquisites of that office; which was referred to a select committee of Messrs. Mason, Conwell, and Clark of Tippecanoe.

Petitions were presented by Mr. Freeman, of Thomas Lemon, and other citizens of Green county, for the alteration of a State road; which was referred to the committee on roads.

By Mr. Shanks, the petition of William Pardue, of Washington county, praying for relief; which was referred to the Judiciary committee.

By Mr. Dowling, the petition of the citizens of Vigo county, concerning Lost creek; which was referred to a select committee of Messrs. Dowling, Jenckes, and Kile.

By Mr. Saylor, the petition of John Teel, praying for a divorce; which was referred to the Judiciary committee.

By Mr. Bowers, the petition of John G Jackson, and other citizens of Ripley county, concerning the bridge over Laughery creek; which was referred to a select committee of Messrs. Bowers, Cole, Blair, McCoy, and Sweetser of Marion.

By Mr. Clark of Dearborn, the petition of the citizens of Dearborn and Ripley counties, concerning a State road; which was referred to the committee on Roads.

By Mr. Saylor, the petition of Nathan Kirk and others, praying for the vacation of the town of Kirkland; which was referred to a select committee of Messrs. Saylor, Newell of Fountain, and Kerr.

The Speaker laid before the House a communication from the Sec-

retary of State, concerning the State Library; which was referred to the select committee on the State Library.

Mr. Howe presented the petition of Mason M. Mariam, praying for relief; which was referred to the committee on Claims.

Mr. Smith of Fayette, asked and obtained leave to introduce the following resolution:

*Resolved*, That the Senate be invited to attend in the Hall of the House of Representatives forthwith, for the purpose of electing a Secretary, Treasurer, and Auditor; also Judges and prosecutors; and that seats be provided for them on the right of the Speaker's chair.

Which was adopted, and the Clerk ordered to inform the Senate thereof.

Whereupon, the Senate came into the Hall of the House of Representatives, and took their seat on the right of the Speaker's chair—the President of the Senate on the right of the Speaker; and both Houses jointly proceeded by ballot, to the election of Secretary of State.

Whereupon, Joseph L. White received on the first ballot, 47 votes; Wm. Sheets, 44 votes; Wm. M. Daily, 4 votes; Wm. J. Brown, 33 votes; E. S. Terry, 11 votes; scattering, 2 votes.

No person having received a majority of all the votes given, both Houses proceeded to a second balloting, when it appeared that

Joseph L. White received 50 votes; Wm. Sheets, 45 votes; Wm. J. Brown, 27 votes; Wm. M. Daily, 2 votes; E. S. Terry, 16 votes; scattering, 2 votes.

No person having received a majority of all the votes given, both Houses then proceeded to a third balloting, when it appeared that

Joseph L. White received 56 votes; William Sheets, 45; William J. Brown, 17 votes; E. S. Terry, 23 votes; blank, 1 vote.

No person having received a majority of all the votes given both Houses proceeded to a fourth balloting, when it appeared that

Joseph L. White received 58 votes; William Sheets, 60 votes; E. S. Terry, 17 votes; and Wm. J. Brown, 7 votes.

No person having received a majority of all the votes given, both Houses then proceeded to a fifth balloting, when it appeared that

Joseph L. White received 53 votes; William Sheets 72 votes; and E. S. Terry, 17 votes.

William Sheets having received a majority of all the votes given, was declared duly elected Secretary of State for the term of four years, from and after the 16th day of January next.

The convention then adjourned until 2 o'clock P. M.

The Senate retired to their chamber.

And the House adjourned until 2 o'clock P. M.

2 o'clock. P. M.

The House met pursuant to adjournment.

Samuel Hanna, member elect from the county of Allen, appeared, produced his certificate, was sworn into office by the Hon. Samuel Sample, and took his seat.

The Senate then came into the Hall of the House of Representatives—the president of the Senate on the right of the Speaker; and both Houses then, as in the morning, proceeded to the election of Auditor of Public Accounts; and on counting the first ballot, it appeared that,

Morris Morris received	-	70 votes.
William T. Noel, “	-	39 “
J. Nowland, “	-	9 “
R. Mahue, “	-	20 “
Blank, “	-	4 “

No person having received a majority of all the votes given, both Houses then, in like manner, proceeded to a second balloting, and, on counting the votes it appeared that,

Morris Morris received	-	86 votes.
William T. Noel, “	-	51 “
J. Nowland, “	-	1 “
R. Mahue, “	-	3 “
Blank, “	-	2 “

Morris Morris having received a majority of all the votes given, was, by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Auditor of State for the term of three years, from the 24th day of January, 1841.

Both Houses then, in like manner, proceeded to the election of Treasurer of State, and, on counting the votes, it appeared that

George H. Dunn received	-	82 votes.
N. B. Palmer, “	-	54 “
Blank, “	-	7 “

George H. Dunn having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Treasurer of State, for the term of three years from the 15th of February, 1841.

Both Houses then, in like manner, proceeded to the election of President Judge for the sixth Judicial Circuit, and on counting the votes it appeared that

James Perry received	-	113 votes.
Blank, “	-	25 “

James Perry having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected President Judge of the sixth

Judicial Circuit, to fill the vacancy occasioned by the resignation of the Honorable Samuel Bigger.

Both Houses then, in like manner, proceeded to the election of Prosecuting Attorney for the second Judicial Circuit, and on counting the ballot, it appeared that,

T. J. Barnett received	-	71	votes.
T. J. Throop	"	23	"
Lyman Leslie	"	3	"
W. S. Otto	"	41	"
Blank	"	2	"

T. J. Barnett having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney for the second Judicial Circuit, for the term of two years from and after this date.

Both Houses then, in like manner, proceeded to the election of Prosecuting Attorney for the fourth Judicial Circuit, and on counting the ballot, it appeared that

John Pitchee received	-	85	votes.
Elijah Bell	"	47	"
Blank	"	3	"

John Pitchee having received a majority of all the votes given, was by the President of the Senate, in the presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney for the fourth Judicial Circuit, for the term of two years from and after this date.

The Convention then adjourned until to-morrow morning, ten o'clock.

The Senate retired to their chamber.

And the House adjourned until to-morrow morning, nine o'clock.

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### SATURDAY, DECEMBER 12th, 1840.

The House met pursuant to adjournment.

Mr. Montgomery of G., made the following report:

MR. SPEAKER,

The select committee to whom was referred a resolution of this House, to inquire into the expediency of providing by law, for stopping the per diem compensation of members of the General Assembly, of

the state of Indiana, for the time being, in all cases, where an adjournment takes place on account of the Christmas or New Year's festival, have directed me to report a bill No. 3; entitled "A bill to stop the per diem compensation of the members of the General Assembly of the State of Indiana, in certain cases therein mentioned."

Which was read the first time, and passed to a second reading on Monday next.

Mr. Dunbar made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of certain citizens of Jackson county, praying for the repeal of an act of the General Assembly of the State of Indiana, entitled "an act regulating the jurisdiction of justices of the peace, in Jackson county;" approved January 25th, 1840, have had the same under consideration and have directed me to report the accompanying bill No. 11; entitled "A bill to repeal an act regulating the jurisdiction of justices of the peace in Jackson county," approved January 25th, 1840.

Which was read the first time and passed to a second reading on Monday next.

On motion of Mr. Terrell,

*Resolved*, That the committee on Education be instructed to ascertain, as early as practicable, and report to this House, the number of deaf mutes, in the state of Indiana; and also to inquire into the expediency of founding an institution for the education of that unfortunate class of persons: and report by bill or otherwise.

On motion of Mr. Montgomery of W.,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of so amending the present law relating to crime and punishment, as to render those commencing suit in behalf of the state liable for all costs which may accrue thereon when such complainants fail to sustain such suit; with leave to report by bill or otherwise.

On motion of Mr. Montgomery of G.,

*Resolved*, That a select committee be appointed to inquire into the expediency of incorporating a company to construct a canal from the spread or mouth of the Mawmee creek in Gibson county, across the big marsh, as it is called, in that part of the country, to intersect the Wabash river at or near the mouth of the big bayou below the grand rapids, on the Wabash river, a distance of about four miles.

Which was referred to a select committee of Messrs. Montgomery of G., Butler of V., McCrillis, Jones and Casey.

Mr. Clark of D., moved the following resolution,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the act subjecting real and personal estate to execution, as to provide for the appraisement of any and all real and personal estate that may be levied on, on any execution that



may be issued after the expiration of the present stay law, and for the sale of the same at not less than two thirds of its appraised value.

Mr. Cole moved to strike out the word "personal" in said resolution, which was not agreed to; when,

Mr. Durbin moved to strike out "judiciary" and insert select committee; which was decided in the negative.

And the resolution as offered by Mr. Clark of D., was adopted.

On motion of Mr. Sweetser of M.,

*Resolved*, That the joint committee on the State Bank inquire into the expediency of providing by law, that the Librarian as such, shall give bond and security for the faithful discharge of his duties and safe keeping of the books.

Mr. Newell of F., proposed the following resolution,

*Resolved*, That the committee on Military affairs be instructed to inquire into the expediency of repealing that part of the militia law which authorizes individuals to provide themselves with a gun, knapsack, etc.

When, Mr. Walpole moved to strike out the resolution from the resolving clause and insert the following:

That a select committee be appointed to inquire into what amendments, if any, are necessary to the act entitled "An act for the better regulation of the militia of the state of Indiana, approved February 24th, 1840;" with leave to report by bill or otherwise.

Which amendment prevailed; and

On motion of Mr. Terrell,

Said resolution was further amended by striking out "select" and inserting "committee on military affairs."

When, the resolution as amended was adopted.

On motion of Mr. Dunbar.

*Resolved* That the committee on the judiciary be instructed to inquire into the expediency of repealing an act entitled "An act to organize probate courts and defining the powers and duties of executors, administrators and guardians, approved February 17th, 1838;" and of establishing in lieu of the existing probate system circuits, each having a judge elected, by joint ballot of the two houses of the General Assembly.

On motion of Mr. Burton,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of providing by law for the Township Assessors and Collectors, in the several counties, when the business thereof is done by township, to assess and collect the state and county revenue.

Mr. Mason proposed the following resolution,

*Resolved*, That the committee on Military affairs be instructed to report a bill to this House, providing for the raising by voluntary enlistment one or more light companies, in each county within the state, and for the safe keeping and preservation of the public arms, and the repeal of the present militia system.

When, Mr. Robinson proposed to amend the resolution by inserting at the close thereof these words, "that the members of light companies shall be exempt from serving on juries and from working on roads.

Which amendment was accepted by Mr. Mason and the resolution as amended was adopted.

Mr. Conwell offered for adoption the following resolution,

*Resolved*, That the committee on Elections inquire into the expediency of devising some effectual legal enactment to prohibit the betting on elections by making disfranchisement for a short period a penalty for the commission of such offence.

Which was not adopted.

On motion of Mr. Henley,

*Resolved*, That a select committee of three be appointed, to whom shall be referred the standing rules of this House, together with Mr. Jefferson's Manual, with instructions, to report a full and perfect code of orders and standing rules as they have been enforced by previous legislatures, and to make such additions to the same as they may deem necessary, in conformity with the rules of parliamentary practice, laid down by Mr. Jefferson.

Messrs. Henley, Clark of T., and Smith of F., were appointed said committee.

On motion of Mr. Welch,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of organizing by law a district board of assessors, with such authority and power as will enable said board to equalize taxation in the several counties in this state, in accordance with the true meaning of the ad valorem system of taxation; with leave to report by bill or otherwise.

On motion of Mr. Conner,

*Resolved*, That the committee of ways and means be instructed to revise the several acts regulating the mode of assessing the state and county revenue, in such manner as to make it the duty of the several assessors to take a list of all the children in each congressional township on a separate list between the ages of five and twenty-one years of age; and that they report on Thursday next.

Mr. Dunn offered the following preamble and resolution:

Whereas, different constructions have been given, in the different counties where branches of the State Bank have been located, to the 15th section of the charter in relation to the taxes on bank stock, and the consequence has been, that injustice has been done to individuals, or to the state, therefore,

*Resolved*, That the committee on the State Bank be instructed to report a bill so to simplify and explain the 15th section of the Bank charter, as to insure a uniform action in the several counties, where branches now are or hereafter may be located; also, to provide by law where taxes have been illegally collected, to be repaid, and where they have been withheld, they shall be collected.

Mr. Read moved to amend the resolution by making the reference to the committee of ways and means.

And before any decision was had thereon,

The Senate came in and took their seats on the right of the Speaker's chair; the President of the Senate on the right of the Speaker,

When, the convention proceeded to the election of Prosecuting Attorney for the Sixth Judicial Circuit, and, on counting the first ballot it appeared that

Martin M. Ray received	-	-	-	-	-	76 votes,
Joseph Robinson	"	-	-	-	-	64 "
Blank	"	-	-	-	-	1 "

Martin M. Ray having received a majority of all the votes given, was, by the President of the Senate, in the presence of both houses, declared duly elected Prosecuting Attorney for the sixth Judicial Circuit in the state of Indiana, for the term of two years, from this date.

The convention then proceeded to the election of Prosecuting Attorney for the 7th Judicial Circuit, and, on counting the first ballot it appeared that

E. W. McGaughey had received	-	-	-	-	121 votes
Blank	"	-	-	-	16 "

E. W. McGaughey having received a majority of all the votes given, was, by the President of the Senate, in presence of both Houses, declared duly elected Prosecuting Attorney for the 7th Judicial Circuit in the State of Indiana, for the term of two years, from the 15th day of February next.

The convention then proceeded to the election of Prosecuting Attorney for the 9th Judicial Circuit, and, on counting the first ballot it appeared that

William C. Hanna had received	-	-	-	-	88 votes,
Blank	"	-	-	-	26 "

William C. Hanna having received a majority of all the votes given, was, by the President of the Senate, in the presence of both Houses, declared duly elected Prosecuting Attorney for the 9th Judicial Circuit in the state of Indiana, for the term of two years from this day.

The convention then proceeded to the election of Prosecuting Attorney for the 10th Judicial Circuit, and, on counting the first ballot it appeared that

John S. Watts had received	-	-	-	-	104 votes,
Willis A. Gorman,	"	-	-	-	18 "
Blank	"	-	-	-	7 "

John S. Watts having received a majority of all the votes given, was, by the President of the Senate, in the presence of both Houses, declared duly elected Prosecuting Attorney for the 10th Judicial Circuit in the state of Indiana, for two years from this date.

The convention then adjourned.

The Senate retired to their chamber, and

On motion, the House adjourned until Monday morning 9 o'clock.

MONDAY, DECEMBER 14th, 1840.

The House met pursuant to adjournment.

The Speaker then laid before the House the report of the Secretary of State, in relation to the enumeration of the white male inhabitants above the age of twenty-one years, in this State, which,

On motion of Mr. Graham,

Was laid upon the table.

The Speaker also laid before the House the report of the Secretary of State, in relation to the votes given for and against the call of a convention, to revise the constitution of Indiana; which,

On motion of Mr. Robinson,

Was laid upon the table, and 100 copies ordered to be printed.

The Speaker also laid before the House a communication from the Governor, enclosing a letter from the Governor of Virginia, and a certain preamble and resolutions of the General Assembly of that state, which,

On motion of Mr. Robinson,

Were referred the committee on Federal Relations.

Mr. Newell of White then presented the petition of sundry citizens of White and Carroll counties, which was read, and referred to a select committee consisting of Messrs. Newell of White, Morgan, Foote and McCulley.

Morris Lancaster, one of the Representatives from the county of Wayne, then appeared, produced his credentials, was sworn into office by Caleb Scudder, Esq. and took his seat.

Petitions were then presented as follows:

By Mr. Champer, of Wm. Goble, asking a divorce from his wife,  
Which was read and referred to the committee on Corporations.

By Mr. Jones, of sundry citizens of Spencer county,

Which was read and referred to a select committee consisting of Messrs. Jones, McCrillis and Sloan.

By Mr. Walpole, of Hiram Dotsen, praying a divorce from his wife Polly Dotsen,

Which was read and referred to the committee on the Judiciary.

By Mr. Smydth of D. of Thomas Horrall, praying a divorce from his wife, Sarah Horrall,

Which was read and referred to the committee on Federal Relations.

By Mr. Montgomery of Warren, of sundry residents in the first Judicial Circuit, praying a change in the time of holding the courts in that circuit,

Which was read and referred to the select committee, appointed under a resolution of this House, consisting of two from each Judicial circuit.

By Mr. Rippey, of sundry citizens of Elkhart county, on the subject of elections,

Which, without reading, was referred to the committee on elections.

By Mr. Butler of Vanderburgh, of Jacob Kron praying for a divorce from his wife, Elizabeth Kron,

Which was read, and referred to the committee on the affairs of the town of Indianapolis.

By Mr. Hanna, of M. S. Wines of Allen county,

Which was read and referred to the committee on Canals and Internal Improvements.

And also, the petition of sundry citizens of Allen and Noble counties, concerning a road therein mentioned,

Which was read and referred to the committee on roads.

By Mr. Coffeen, of James Ashcroft of the county of Delaware,

Which, without reading, was referred to the committee on the Judiciary.

The speaker then laid before the House the reports of the Branch of the State Bank of Indiana at Michigan City; also the report of the State Bank,

Which, without reading, were referred to the committee on the State Bank.

Mr. Chiles then presented the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Putnam county, asking the legislature for a special term of the Putnam Circuit Court, have considered that matter, and directed me to report the following bill:

No. 5. A bill to provide for a special term of the Circuit Court of Putnam county.

Which was read three several times, the rules being dispensed with, and passed.

Mr. Saylor then made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Nathan Kirk, Wm. Benson and others, have directed me to report the following bill:

No. 6. A bill to vacate a part of the town of Kirklin, in Clinton county,

Which was read a first time, and passed to a second reading on tomorrow.

Resolutions being next in order, the House proceeded to the consideration of the amendment offered by Mr. Read, to the resolution of Mr. Dunn, which was under consideration, on Saturday last, when the Senate came into the House to go into the election of Prosecuting Attorneys.

When, Mr. Dunn called for a division of the question (which being on striking out) was decided in the affirmative, and the amendment proposed by Mr. Read was agreed to, and the resolution as amended was then adopted.

Mr. Bowles offered for adoption the following preamble and resolution:

Whereas, in the present embarrassed condition of the finances of our state, it is altogether inexpedient further to sell state bonds, at depreciated prices (as heretofore) for the purpose of carrying on the system of Internal Improvement, contemplated in the act of 1836, and amendatory acts thereto, therefore

*Resolved*, That the committee on canals and Internal Improvements be instructed to report a bill to this House, providing for letting the several lines of the public works, embraced in the acts of 1836 and subsequent amendatory acts, to individuals, or associations of individuals, on just and equitable principles, for limited periods, on condition of their completing the works let to them.

Mr. Stanford moved to strike out the word "instructed," and insert the words "inquire into the expediency of."

And the ayes and nays being demanded by Messrs. Bowles and Stanford,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blankenship, Bradbury, Brown, Burgess, Burton, Butler of Cass, Butler of Vanderburgh, Champer, Chiles, Clark of Dearborn, Clark of Tippecanoe Coffeen, Coleman, Conwell, Defrees, Dowling, Dunn, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Hannah, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Kerr, Kyle, Lancaster, Mason, Matson, McCoy, McCrillis, Miller, Montgomery of Gibson, Newell of Fountain, Newel of White, North, Quick, Rawlings, Rayburn, Robbins, Robinson, Rose, Ross, Runyan, Russell, Saylor, Shawhan, Shortridge, Smydth of Daviess, Smith of Fayette, Stanford, Strattan, Sweetser of Grant, Terrell, Walpole, Welch, Wilson, Woodard, and Mr. Speaker.—68.

*Those who voted in the negative were*

Messrs. Blair, Boon, Bowers, Bowles, Byers, Carr, Casey, Chrisman Clark of Fountain, Cole, Conner, Dunbar, Henley, Jones, Leslie, Lucas, McCully, Montgomery of Warren, Morgan, Peck, Read, Ritchey, Rippey, Rulon, Shanks, and Sloan.—26.

So the amendment of Mr. Stanford was agreed to, and

Mr. Smith of F., moved further to amend the resolution by striking out the preamble,

And the ayes and nays being demanded thereon by Messrs. Boon and Saylor,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Bradbury, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Conwell, Defrees, Dunn, Freeman, Goodenow, Hanna, Harding, Hiatt, Houghton, Howe, Lancaster, Mason, Newell of Fountain, Rayburn, Robbins, Robinson, Russell, Shawhan, Shortridge, Smydth of Davies, Smith of Fayette, Stanford, Stratton, Sweetser of Grant, Terrell, Welch, Woodard, and Mr. Speaker.—35.

*Those who voted in the negative were,*

Messrs. Blair, Blankenship, Boon, Bowers, Bowles, Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conner, Dowling, Dunbar, Durbin, Farrington, Foote, Graham, Hamer, Harrah, Harrison, Henley, Jenckes, Jones, Kerr, Kyle, Leslie, Lucas, Matson, McCoy, McCrillis, McCully, Miller, Montgomery of Gibson, Montgomery of Warren, Morgan, Newell of White, North, Peck, Quick, Read, Ritchey, Rippey, Rose, Ross, Rulon, Runyan, Saylor, Shanks, Sloan, Walpole, and Wilson.—58.

So said motion was decided in the negative.

Mr. Hanna moved that the resolution lie on the table,

And the ayes and nays being demanded thereon by Messrs. Bowles and Carr,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Bradbury, Brown, Butler of Cass, Butler of V., Conwell, Defrees, Goodenow, Hanna, Hiatt, Howe, McCoy, Montgomery of G., Newell of F., Quick, Rayburn, Robbins, Robinson, Shawhan, Sweetser of G., Walpole, Wilson, Woodard, and Mr. Speaker—25.

*Those who voted in the negative were,*

Messrs. Blair, Blankenship, Boon, Bowers, Bowles, Burgess, Bowers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman Conner, Dowling, Dunn, Dunbar, Durbin, Farrington, Foote, Freeman, Graham, Hamer, Harding, Harrah, Harrison, Henley, Houghton, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Lucas, Mason, Matson, McCrillis, McCulley, Miller, Montgomery of W., Morgan, Newell of W., North, Peck, Rawlings, Read, Ritchey, Rippey, Rose, Ross, Rulon, Runyan, Russell, Saylor, Shanks, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Terrell, and Welch—69.

So said resolution was not laid on the table.

And the question recurring on the adoption of the resolution as amended, and the ayes and nays being demanded by Messrs. Clark of D., and Newell of F.,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Boon, Bowers, Bowles, Bradbury, Brown, Burgess, Butler of C., Butler of V., Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Dowling, Dunn, Dunbar, Durbin, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Harrison, Henley, Hiatt, Houghton, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Lucas, Mason, Matson, McCoy, McCrillis, McCully, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robinson, Rose, Ross, Rulon, Runyan, Russell, Saylor, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Terrell, Walpole, Welch, Wilson, and Woodard—85.

*Those who voted in the negative were,*

Messrs. Defrees, Hanna, Harding, Harrah, Howe, Newell of F., Robbins, Sweetser of Grant, and Mr. Speaker—9.

So said resolution was adopted.

On motion of Mr. Freeman,

The vote taken on Thursday last, upon laying the resolution offered by Mr. Smydth of D., on the table, was reconsidered.

And the question recurring, Shall the resolution lie upon the table? it was decided in the negative;

When Mr. Smydth asked leave to withdraw said resolution.

Which leave was granted by the House, and the resolution withdrawn.

And the Speaker ordered that all the proceedings in relation to that matter, be taken from the Journal of Thursday last.

On motion of Mr. Conwell,

*Resolved*, That three hundred copies of the report of the State Bank, including branches, be printed for the use of the members of this House.

On motion of Mr. Bowles,

*Resolved*, That the Board of Internal Improvement be instructed to lay before this House, as soon as practicable, the report of the Superintendent on the New-Albany and Vincennes M'Adamized road; and also such other and further information as they may have in their possession in relation to said road.

Mr. Boon moved to take from the table a resolution offered by himself on Thursday last, in reference to the apportionment of Senators and Representatives,

Which motion was not agreed to.

On motion of Mr. Walpole,

*Resolved*, That the Judiciary committee be instructed to inquire into the expediency of abolishing the office of Circuit Prosecutor, and in lieu thereof, to provide for the election of County Prosecutors, to



be elected in each county by the qualified electors thereof; with leave to report by bill or otherwise.

Mr. Rayburn offered the following resolution:

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law requiring the boards doing county business, in the several counties in this state, to appoint assessors, that said assessor shall be elected by the people; with leave to report by bill or otherwise.

When Mr. Rippey moved to amend, by adding the word collector, which was not adopted,

When on motion of Mr. Graham, the reference was changed to the committee of ways and means, and the resolution as amended, was adopted.

Mr. Ritchey offered the following preamble and resolution:

Whereas, by the law for levying and collecting a state revenue, in the year 1838, the people of the state of Indiana, were required to pay a tax of 30 cents on each one hundred dollars of taxable property for state purposes, and whereas, it appears by the report of the Auditor of state, that in the same year the citizens of Cass county, actually paid but half the revenue required of them by said act, viz: but 15 cents on the hundred dollars; and whereas, it is manifestly unjust, that the people of one portion of the state should be taxed at a higher rate than those of another; Therefore

*Resolved*, That the committee of ways and means be instructed to report a bill for levying and collecting from the citizens of said county of Cass, the amount of said deficit,

When on motion of Mr. Butler of C. the resolution was amended by inserting "expediency of" instead of "be instructed."

Mr. Hanna moved to change the reference to the *Judiciary* committee which was agreed to,

When on motion of Mr. Butler of Vanderburg, Spencer county was also added.

When the resolution as amended was adopted.

Mr. Dunn offered the following preamble and resolution;

Whereas, it has been asserted gravely in this Hall, by demagogues in the late canvass, and by party presses, that the state of Indiana has been so profligate in its system of Internal Improvements, and that its most important interests have been so mismanaged by those charged with them, that naught but bankruptcy and ruin await us; and whereas, the circulation of such statements, in connexion with the spirit of demagoguism for the last few years so prevalent in the land, has discouraged many of the best citizens, and greatly impaired the credit of the state at home, and we fear much more abroad; Therefore

*Resolved*, That as the Representatives of a high minded, law abiding people, it is the duty of the Senate and House of Representatives of the state of Indiana, to use every proper means to disabuse the public mind in reference to the purity of the public faith, and integrity of the public credit, and that for this purpose, it is proper and expedient to practice a rigid economy in the business of legislation, and in all the

concerns of the state, that the scattered resources of the state should be concentrated, and all her means brought into requisition to meet the public wants; that to provide for the deficiency in the revenue of 1840, to meet the current expenses of 1841, and to pay the interest on the public debt, not otherwise provided for, such taxes should be levied as may be found necessary, and that provisions should be made immediately by the sale of state bonds, or otherwise for the payment of the debt due to the State Bank, of the balance due to contractors and of the scrip now issued.

Mr. Boon moved to amend the resolution by striking out so much thereof, as provides for the sale of state bonds, and before any decision was had thereon; the hour allotted for the consideration of resolutions expired.

When Mr. Freeman introduced a bill No. 7, to appropriate part of the three per cent. fund belonging to Green county, and to purposes therein mentioned, which was read the first time and passed to a second reading on to-morrow.

Mr. Houghton,

Presented a bill No. 8, to amend an act, approved February 24th 1840, entitled "an act relating to state roads," which was read the 1st. time, and passed to a 2d reading on to-morrow.

Mr. Jones introduced a bill No. 9, entitled "a bill for the relief of the collector of Spencer county."

Which was read the first and second times,

When on motion of Mr. Ball, Porter county was embraced within the provisions of said bill.

And also on motion of Mr. Brown, Laporte county was added;

When on motion of Mr. Smith of Fayette, said bill was referred to the committee of ways and means.

Mr. Smith of Fayette, introduced a bill No. 10, entitled "a bill to authorize the redemption of the Treasury notes, heretofore issued of the denomination of fifty dollars;

Which was read the first time and passed to a second reading on to-morrow.

The Speaker laid before the House, the report of the branch bank at Indiapapolis.

Which was referred to the committee on the State Bank.

The Speaker also laid before the House the following communication from His Excellency the Governor.

EXECUTIVE DEPARTMENT, }  
Dec. 14th, 1840. }

HON. SAMUEL JUDAH,

*Speaker of the House of Representatives:*

Joseph M. Moore is authorized to bear communications from the Executive Department to the House of Representatives.

Yours, &c.

SAM. BIGGER.

The House then proceeded to the orders of the day.

1st. A joint resolution No. 1, relative to the constitution of the United States.

Was read the second time and referred to the committee on Federal relations.

A bill of the House No. 2, to regulate the practice of suits at law, was read the second time, and referred to the judiciary committee.

Bill No. 3, to stop the per diem compensation of the members of the General Assembly of the state of Indiana, in certain cases therein mentioned.

Was read the second time, when

Mr. Jones moved its reference to the judiciary committee,

Which motion did not prevail.

Mr. Leslie moved that the rule be dispensed with, and the bill read a third time now.

Which was decided in the negative,

When the bill was ordered to be engrossed, and read a third time on to-morrow.

Bill No. 4, to repeal "an act regulating the jurisdiction of Justices of the Peace in Jackson county," approved January 25th 1840.

Was read the second and third times, (the rules being dispensed with) and passed.

On motion of Mr. Smith of Fayette,

The House reconsidered the vote taken, on making the Governor's message the order of the day for Tuesday next. And then the motion was so amended, as to make it the order of the day for this day at 2 o'clock P. M.

And the House adjourned until 2 o'clock P. M.

*2 o'clock. P. M.*

The House met pursuant to adjournment.

The Speaker laid before the House the report of the Treasurer of State.

Which was referred to the same select committee to which the subject of the salaries of state officers had been referred.

The previous orders of the day being gone through with, the House according to order, resolved itself into committee of the whole on the Governor's message, Mr. Henley in the chair; and after having gone through therewith, the committee rose, and the chairman reported the following resolutions to the House for its concurrence, to wit:

1st. *Resolved*, That so much of the Governor's message as relates to the surplus revenue, be referred to the committee of ways and means.

2d. *Resolved*, That so much of the message of His Excellency the late Governor, as relates to the selections of public lands in lieu of canal lands, which are occupied by grants to Indiana, and others,

be referred to the committee on federal relations, with instructions to report by memorial, joint resolution, or otherwise.

*3rd. Resolved,* That so much of the Governor's message as relates to the present inefficient mode of assessing and collecting the State revenue, be referred to the committee on Ways and Means.

*4th. Resolved,* That so much of the Governor's message as recommends a reduction of the number of Senators and Representatives in the General Assembly of this State, be referred to a select committee of two from each Congressional District.

*5th. Resolved,* That so much of the message of His Excellency the Governor, as relates to the loans made for Internal Improvements, and the apparent discrepancy in the reports of the two Fund Commissioners, be referred to the committee on the Canal Fund.

*6th. Resolved,* That so much of the Governor's message as relates to Internal Improvements, be referred to the committee on Canals and Internal Improvements.

*7th. Resolved,* That so much of the Governor's message as recommends the appointment of a Superintendent of Common Schools, be referred to the committee on Education.

*8th. Resolved,* That so much of the Governor's message as relates to the State Bank, and the indebtedness of the State thereto, be referred to the committee on the State Bank.

*9th. Resolved,* That so much of the Governor's message as relates to the State Prison, be referred to the committee on the State Prison.

*10th. Resolved,* That so much of the Governor's message as relates to education, be referred to the committee on Education.

*11th. Resolved,* That so much of the Governor's message as relates to the final completion of some two or three of the public works, be referred to the committee on Canals and Internal Improvements.

*12th. Resolved,* That so much of the Governor's message as relates to a distribution of the proceeds of the sales of the public lands, among the several States of the Union, and of claiming for Indiana her just proportion of that fund, be referred to the committee on Federal Relations.

*13th. Resolved,* That so much of the message of the late Governor as relates to the excess of the number of voters in the late elections in this State, over the number of polls returned by the assessors and collectors of the several counties, be referred to the committee on Elections.

*14th. Resolved,* That so much of the Governor's message as relates to the revenue law, be referred to the committee on Ways and Means.

*15th. Resolved,* That so much of the Governor's message as relates to the request of the citizens of the city and county of Washington, and the county of Alexandria, with the address of the delegates, and all other papers connected therewith, be referred to the committee on Federal Relations.

*16th. Resolved,* That so much of the late Governor's message as re-

lates particularly to that part of the surplus revenue now scattered in the hands of the county agents, be referred to the committee of Ways and Means.

17th. *Resolved*, That so much of the Governor's message as relates to a thorough revision of the revenue law, be referred to the committee on the Judiciary.

18th. *Resolved*, That so much of the message of the Governor as relates to the suspended debt, be referred to the committee of Ways and Means.

The House concurred generally in all the resolutions, with the exception of numbers 11th, 13th, 16th, and 17th.

On resolution number 11, the question being taken, the House refused to concur.

On resolution number 13; Mr. Burton offered the following amendment, add, "with instructions to report to this House any evidence of fraud that they may be enabled to discover."

Pending which motion, Mr. Butler of V. moved the previous question, which was seconded by a majority of the House, and the question, Whether the main question shall now be put? was decided in the affirmative, and the main question being then put, which was: Shall the resolution be concurred in? was decided in the affirmative.

So the resolution as reported, was concurred in.

On resolution number 16, Mr. Leslie offered the following amendment: 'Strike out all from the resolving clause and insert, "That so much of the Governor's message as relates to so much of the surplus revenue as is distributed in the several counties, and interest accruing thereon, appropriated to the use of common schools, be referred to the committee on Education."'

Which amendment was not adopted, and the resolution as reported was concurred in.

On resolution number 17, Mr. Brenton moved to change the reference from the Judiciary committee to the committee of Ways and Means;

Which motion prevailed, and the resolution was then concurred in.

On motion,

The House then adjourned until 9 o'clock to-morrow morning.

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TUESDAY, DEC. 15th, 1840.

House met pursuant to adjournment.

The Speaker announced the following select committee on resolution no. 4, as reported from the committee of the whole on the Go-

vernor's message, relative to the apportionment of Senators and Representatives: Messrs. McCrillis, Freeman, Wilson, Sweetser of M., Read, Durbin, Elkins, Sloan, Chiles, Ball, Walpole, Woodard, Conwell and Bradbury.

The Speaker laid before the House a report of the Superintendent of the State Prison; which was referred to the standing committee on the State Prison.

The Speaker also laid before the House a communication from the Secretary of State, in relation to the late Printer to this House; which,

On motion of Mr. Jones,

Was referred to a select committee of Messrs. Jones, Dowling, Mason, Read, and Miller, with power to send for persons and papers.

Mr. Smydth of D., moved also the following instructions:

"To ascertain the amount paid to John Livingston, and the amount he should have received, and report the same to this House."

Mr. Henley moved to amend the instructions by inserting after the word "Livingston," the words "Douglass and Noel;" which amendment was adopted, and the instructions, as amended, were then adopted.

The Speaker laid before the House the report of the Sinking Fund Commissioners.

Which was referred to the committee on the State Bank; three hundred copies thereof ordered to be printed for the use of the members of this House, and 500 copies to be placed in the Documentary Journal.

The following message was received from the Senate by Mr. Arion, a member:

MR. SPEAKER:

The Senate has passed a bill No. 1, entitled "a bill for the relief of Cecil Brandt," in which they request the concurrence of the House of Representatives.

Which bill of the Senate was read the first time, and passed to a second reading on to-morrow.

Also the following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills of the following titles, viz: No. 2, a bill for the relief of John L. Reed.

No. 4, a bill for the relief of the Collector of Laporte County.

In which bills I am directed to respectfully request the concurrence of the House of Representatives.

No. 2, was read the first time and passed to a second reading on to-morrow.

No. 4, mentioned in the message, was read first time and passed to a second reading on to-morrow.

Mr. Dunn presented the petition of the stockholders of the Law-

renceburgh and Indianapolis Rail-road company, asking for some legislative relief; which was referred to the committee of Ways and Means.

Mr. Champer presented the petition of William R. Hudson and others, asking for an act of incorporation; which was referred to a select committee of Messrs. Champer, Freeman, and Harrah.

Mr. Goodenow presented the petition of John Wallace of Jefferson county, relative to the School Funds of Township No. 4, in said county; which was referred to the committee on Education.

Mr. Ball presented the petition of the citizens of Porter and Lake counties, asking for a State road; referred to the committee on Roads.

Mr. Ball also presented the petition of John C. Ball and others, relative to a State road; which was also referred to the committee on Roads.

Mr. Casey presented the memorial of the members of the New-Harmony Working Men's Institute; referred to the committee of Ways and Means.

Mr. Runyan presented the petition of Joseph Robison and Asa Aims,

Which was referred to a select committee of Messrs. Runyan, Howe and Brown.

Mr. Newell of W., the petition of sundry citizens of White and Jasper counties, relative to attaching part of White to the county of Jasper,

Referred to a select committee of Messrs. Newell of White, Morgan, Foote and McCully.

Mr. Rippey, the petition of sundry citizens of Elkhart county, on the subject of a more uniform mode of doing township business,

Which was read and referred to a select committee of Messrs. Rippey, Defrees and Ball.

Mr. Howe presented two several petitions; one of William Smith and others, citizens of Lagrange county, relative to the execution laws,

Which was referred to a select committee to which a resolution of this House upon the same subject had been referred.

The other the petition of sundry citizens of De Kalb county asking the legislature to legalize the purchase of land made by Walter Slawter a foreigner.

Which was referred to the judiciary committee.

On motion of Mr. Jenckes,

Mr. Farrington was added to the committee to whom the subject of Lost Creek was referred.

Mr. Butler of V., from the committee of ways and means made the following report,

Mr. SPEAKER:

The committee of ways and means, to whom was referred a resolution instructing an inquiry into the expediency of providing by law for the township assessors and collectors in the several counties, when

the business thereof is done by townships, to assess and collect the state and county revenue, have had the same under consideration, and have directed me to report, that they deem it inexpedient to legislate thereon, and ask to be discharged from the further consideration of the same.

Which report was concurred in, and the committee was discharged from the further consideration thereof.

Mr. Brenton from the Judiciary committee made the following report:

MR. SPEAKER,

The Judiciary committee, to whom was referred a resolution of this House, instructing them to inquire into the expediency of repealing an act to prohibit the amalgamation of whites and blacks, approved February 24th, 1840, and if a repeal of said law shall not be deemed proper, in that case, so to amend the same as to inflict the penalty in case of infraction upon the parties marrying, instead of the clerk, issuing the license, have had the same under consideration, and instructed me to report the following bill: No. 11, entitled "A bill to amend an act entitled an act to prohibit the amalgamation of whites and blacks; approved February 24th, 1840,

Which was read the first time and passed to a second reading on to-morrow.

The House then resumed the consideration of the amendment proposed by Mr. Boon, to the resolution offered by Mr. Dunn, which was under consideration on yesterday, when the hour allotted for the consideration of resolutions expired.

When, Mr. Newell of Fountain moved to amend the resolution by inserting "at par value" after the words "state bonds."

Which was adopted.

When, Mr. Boon withdrew his amendment.

Mr. Hanna moved to strike out of the first and second lines of the preamble all the words that occur between the words "gravely" and "that" and also in the eighth and ninth lines all the words that occur between the words "statements" and "has."

When, Mr. Leslie moved that the resolution and amendments do lie upon the table.

Which was decided in the negative.

Mr. Smydth of D., moved to commit the resolution and amendments to a select committee.

Which was also decided in the negative.

When, the question was then taken on Mr. Hanna's amendment and decided in the affirmative.

The question then recurring on the adoption of the preamble and resolution, and the ayes and nays being demanded thereon, by Messrs. Henley and Carr,



*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Champer, Chiles, Clark of Dearborn, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin; Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Kerr, Kyle, Lancaster, Leslie, Mason, Matson, McCrillis, Miller, Montgomery of Gibson, Morgan, Newell of Fountain, Newell of White, North, Peck, Quick, Rawlings, Rayburn, Robbins, Robinson, Rose, Ross, Runyan, Rulon, Russell, Shawhan, Shortridge, Sloan, Smydth of Daviess, Smith of Fayette, Stanford, Strattan, Sweetser of Grant, Terrell, Welch, Wilson, Woodard and Mr. Speaker.—75.

*Those who voted in the negative were*

Messrs. Boon, Bowles, Burton, Byers, Carr, Casey, Chrisman, Clark of Fountain, Dunbar, Graham, Henley, Jones, Lucas, McCoy, McCulley, Montgomery of Warren, Read, Ritchey, Rippey, Saylor, Shanks, Walpole and Zenor.—23.

So said preamble and resolution were adopted.

On motion of Mr. Smydth of D.,

*Resolved* That the judiciary committee be instructed to inquire into the expediency of providing by law, that hereafter no objection shall be taken to the legality of grand jurors after they shall be sworn; and that when such jurors shall be set aside for any cause whatsoever, the sheriff shall select a grand jury, from the bystanders, and be liable to heavy penalties where he shall be guilty of partiality, in the discharge of that part of his duty.

On motion of Mr. Smith of F.,

*Resolved*, That the printer to this House, be directed to furnish the board of Internal Improvements with twenty-five copies of the printed reports of said board.

On motion of Mr. Cole,

*Resolved*, That the judiciary committee be instructed to revise the several acts subjecting real and personal estate to execution—and ascertain what part of the several acts upon that subject are now in force; and also inquire into the propriety of repealing the act of the last session, entitled “An act to amend an act subjecting real and personal property to execution”—said to be approved February 4th, 1838, which amendatory act was approved February the 24th, 1840; with leave to report by bill or otherwise.

On motion of Mr. North,

*Resolved*, That the judiciary committee be, and they are hereby instructed to inquire into the expediency of so modifying the 23d section of the act entitled “an act to provide for the commissioning of Sheriffs and Coroners, and to regulate their duties,” approved January

7th, 1824, so as to give to the Justices of the Peace in the several counties in this state, concurrent jurisdiction in all cases of inquest, with the coroners of their several counties.

On motion of Mr. Read,

*Resolved*, That the committee on the judiciary be instructed to report a bill to this House, compiling the different acts relative to selecting grand and petit jurors, and to recommend such amendments as they may think necessary.

On motion of Mr. Cole,

*Resolved*, That so much of the message of the late Governor as recommends the issue of small notes by the State Bank, for a limited period, be referred to the committee of ways and means; with leave to report by bill or otherwise.

On motion of Mr. Blair,

*Resolved*, That the Treasurer of State be hereby required to report to this House, at an early day, the condition of that portion of the surplus revenue, placed in the hands of county agents; also to report the names of delinquent agents, and all other matters and things relative thereto.

On motion of Mr. Rulon,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the present law authorizing the contesting of elections for county and township officers, as to require the contestor to pay the cost of the contest in case he should not succeed: with leave to report by bill or otherwise.

On motion of Mr. Robinson,

The resolution offered by Mr. Conwell and laid upon the table, upon the subject of betting on elections, was taken up, and referred to the committee on Elections.

Mr. Conwell offered the following preamble and resolution:

Whereas, it must be perceptible to all the considerate, that the practice heretofore and now in operation, of the State's loaning large amounts of money on mortgages, is very objectional from several considerations:

1st. Because it is very expensive to the borrower, as also dangerous; as we see a vast number of tracts of land annually exposed to sale for the non-payment of principal or interest; and that, in time of great embarrassments, there can be no lenity given to debtors; therefore they have been, and always will be subject to great distress, and will sustain great losses.

2d. Because the funds are not so productive as they might be made, by placing them in the Branches of the State Bank, by which arrangement, all the expenses now incurred in the payment of fees to the many officers, in whose hands the funds are now placed will be saved to the borrowers;

For remedy whereof, be it resolved, that the Committee on the State Bank be instructed to enquire into the expediency of reporting a bill providing that all funds now due, or that may hereafter become due to the State, may be discharged in ten equal annual payments

from and after the first day of January, 1841, and that as fast as the funds come into the hands of the Treasurer of State, it shall be his duty, to increase the bank stock of the State in such branches as directed by law, with a provision, that the interest arising from such bank stock, after paying over the net amount of interest to and for the different purposes as now applied by law, (unless necessary to make some other application by law,) the balance of interest to be applied to the payment of the interest of the State debt; with leave to report by bill or otherwise.

Which preamble and resolution were adopted.

Mr. Boone moved to take from the table the resolution of Mr. Matson, relative to the final adjournment of the Legislature;

Which motion was decided in the negative.

On motion of Mr. Leslie,

The resolution offered by himself on Thursday last relative to the Sub-Treasury Law, was taken from the table, and referred to the committee on federal relations.

Mr. Matson introduced bill No. 12, for the relief of the heirs of John Buck, deceased;

Which was read and passed to a second reading on to-morrow.

Mr. Bradberry introduced bill No. 13, to extend the time of final payment to the purchasers of the sixteenth sections;

Which was read a first time and passed to a second reading on to-morrow.

Mr. McCrillis introduced bill No. 14, to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Cole introduced bill No. 15, for the relief of Benedict O'Neal;

Which was read a first time and passed to a second reading on to-morrow.

Mr. Newell introduced bill No. 16, relative to crime and punishment;

Which was read a first time, and on motion of Mr. Smydth of D., rejected.

Mr. Rayburn introduced bill No. 17, "to provide for the mode of doing township business in the county of Miami;"

Mr. Defrees introduced bill No. 18, "for the relief of the collector of Elkhart county;"

Which were severally read a first time, and passed to a second reading on to-morrow.

The House then proceeded to the orders of the day;

Bills of the House on their third reading. No. 3, "a bill to stop the per diem compensation of members of the General Assembly of the state of Indiana, in certain cases therein mentioned."

Which was read a third time, when

Mr. Hamer moved to re-commit the bill to the select committee, by whom it had been reported, with the following instructions,

“That no member be refused pay, except those who vote for said adjournment.”

Mr. Graham called for a division of the question, (being on committing,) which was decided in the affirmative.

The question then recurring on the instructions, and the ayes and noes being demanded by Messrs. Conwell and Cole.

*Those who voted in the affirmative were,*

Messrs. Ball, Bowles, Bradbury, Brown, Burgess, Burton, Butler of C., Carr, Casey, Chiles, Clark of D., Coleman, Conner, Dunbar, Graham, Hamer, Harrah, Harrison, Hiatt, Houghton, Kile, Lucas, Newell of W. Rawlings, Ritchey, Rippey, Rose, Rulon, Runyan, Russell, Shawhan, Sloan, Smydth of D. Stanford, Stratton, Terrell, Walpole, Welch and Wilson—39.

*Those who voted in the negative were,*

Messrs. Atherton, Blair, Blankenship, Boon, Bowers, Brenton, Butler of V. Byers, Champer, Chrisman, Clark of T. Coffeen, Cole, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Hanna, Harding, Howe, Jenckes, Jones, Kerr, Lancaster, Leslie, Mason, Matson, M'Coy, Miller, Montgomery of G. Montgomery of W. Morgan, Newell of F. North, Peck, Quick, Read, Rayburn, Robbins, Robinson, Ross, Saylor, Shank, Shortridge, Smith of F. Sweetser of G. Woodard, Zenor and Mr. Speaker.—54.

So the committee were not so instructed.

Mr. Durbin moved to re-consider the vote on the re-committal,

Which was decided in the affirmative.

And the question being again taken on re-committing the bill to said select committee, was decided in the negative.

So said bill was not re-committed.

The question then recurring on the passage of the bill, and the ayes and noes being demanded by Messrs. Freeman and Montgomery of Gibson.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blankenship, Boon, Bowers, Bowles, Bradbury, Brenton, Brown, Burgess, Burton, Butler of C. Butler of V. Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D. Clark of F. Clark of T. Coffeen, Cole, Conner, Conwell, Defrees, Dowling, Dunbar, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Henley, Jenckes, Jones, Kerr, Lancaster, Leslie, Lucas, Mason, Matson, M'Coy, M'Crillis, M'Cully, Montgomery of G. Montgomery of W. Morgan, Newell of F. Newell of W. North, Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Robinson, Rose, Ross, Runyan, Russell, Saylor, Shanks, Shawhan, Shortridge, Sloan, Smydth of D.

Smith of F. Stanford, Stratton, Sweetser, of G. Terrell, Walpole, Welch, Wilson, Woodard, Zenor and Mr. Seaker.—90.

*Those who voted in the negative were,*

Messrs. Blair, Coleman, Kile, Miller and Rulon—5.

So said bill passed;

When on motion,

The House adjourned until 2 o'clock, P. M.

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2 o'clock. P. M.

The House met pursuant to adjournment.

The House then proceeded to the orders of the day.

#### BILLS OF THE HOUSE.

No. 6, a bill to vacate a part of the town of Kirclin, in Clinton county, which was read the second time, and ordered to be engrossed for a third reading on to-morrow.

No. 7, a bill to appropriate a part of the 3 per cent. fund belonging to Green county, to purposes therein named, which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 8, a bill to amend an act approved Feb. 24th, 1840, entitled "an act relating to state roads," which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 10, a bill to authorize the redemption of the treasury notes heretofore issued of the denomination of fifty dollars.

Which was read a second time, when Mr. Bowles moved to strike out all after the word "exchange," near the end of the second section:

The question on the amendment pending, Mr. Smydth of D. moved to commit the bill with the pending amendment, to the committee on ways and means;

And the bill was so committed.

On motion of Mr. Graham, it was

*Resolved* That the auditor of public accounts be respectfully requested to submit to this House, the synopsis of a bill for a more equitable, and cheaper mode of assessing and collecting the revenue; and that the Clerk inform him of the passage of this resolution.

On motion of Mr. Newell of White,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of so amending the present law relating to the recording of the various instruments of writing therein specified, as to require that such instruments shall be placed on record before they shall be recognized as valid; with leave to report by bill or otherwise.

Mr. Smith of F. moved to take from the table the resolution offered by Mr. Smydth of D. on Thursday last, on the subject of the treasury notes of the denomination of \$50;

Which motion prevailed.

The resolution was then taken up, and referred to the committee of ways and means.

On motion of Mr. Champer,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of repealing the law relative to the summoning petit jurors in this state, and authorize by law, the summoning all such jurors, when needed for the trial of any cause, by the Sheriff, from the by-standers, with a provision for the punishment of such Sheriff, if, in the discharge of such duty, he shall be guilty of partiality or corruption; and report on the subject to this House, by bill or otherwise.

On motion of Mr. Henley,

*Resolved*, That the Judiciary committee be instructed to inquire into and report to this House, the legal liability of the State of Indiana for the payment of her suspended debt; or liability created by the sale or hypothecation of State bonds, on which nothing has been received, or can be recovered by the State; also whether the Fund Commissioners were vested with power to negotiate the sale of State bonds on "time;" and if, in the opinion of the committee, there be no legal liability on the part of the State for the payment of said bonds, whether on account of the Fund Commissioners having violated the law and transcended their powers of appointment, or in consequence of a failure on the part of the purchasers of the aforesaid bonds to comply with the stipulations of the contract; what course it would be proper for the State to pursue to release her citizens from the payment of said bonds.

Mr. Dunbar offered the following resolution:

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of paying the President Judges the sum of twenty-five cents for every mile they may travel, in going to and returning from the county seats of their respective circuits; with leave to report by bill or otherwise.

Mr. Stanford moved to change the reference to the committee on Ways and Means;

Which motion prevailed.

The question then being taken on the adoption of the resolution as amended, it was carried in the negative.

So said resolution was not adopted.

Mr. Ritchey then offered the following preamble and resolution:

Whereas, It is affirmed that certain contractors on the Madison and Indianapolis Rail-road have expressed a willingness to undertake the completion of said road, and as a compensation for the same, to receive State bonds at par, bearing interest at six per cent.

And whereas, in the present progress of improvements in Indiana, it is desirable that some work or works should be completed, and thus

furnish a test of the practical utility of such works in the State of Indiana: Therefore,

*Resolved.* That the committee on Canals and Internal Improvements be directed to inquire into and report to this House the facts; and if they are found to exist, to inquire into the expediency of acceding to the proposition of said contractor or contractors, provided that the price paid for said work, shall not exceed the price paid for work of the same kind.

Mr. Smith of F. moved to amend by adding after the words "Indianapolis Rail-road" in the preamble, the words "White-water canal;" which was adopted.

Mr. Champer moved further to amend by adding after the words "White-water canal," the words "southern part of the Central canal;"

Which was adopted.

Mr. Chiles moved further to amend by adding after the words "Central canal," the words "New-Albany and Crawfordsville road;"

Which was adopted.

Mr. Bowles moved further to amend by adding after the words "Crawfordsville road," the words "New Albany and Vincennes road;"

Which was adopted.

Mr. Atherton moved further to amend by adding after the words "Vincennes road," the words "northern division of the Central canal;"

Which was adopted.

Mr. McCoy moved further to amend by adding after the words "Central canal," the words "Michigan road;"

Which was adopted.

Mr. Robinson moved further to amend by adding after the words "Michigan road," the words "for removing the *obstructions in the Ohio river;*"

Which was not adopted.

Mr. Robinson then moved the previous question; which was not seconded.

Mr. Dunbar then moved further to amend by adding after the words "Michigan road," the words "Jeffersonville and Columbus Rail-road;"

Which was adopted.

Mr. Ball moved further to amend by adding after the words "Columbus Rail-road," the words "Northern canal;"

Which was adopted.

Mr. Wilson moved to lay the resolution on the table; which motion did not prevail.

Mr. Smith of Fayette moved further to amend by adding after the words "Northern canal," the words "and all other works of Internal Improvements heretofore commenced in this State;"

Which was adopted.

On motion of Mr. Durbin,

The resolution as amended was indefinitely postponed.

Mr. Blair offered the following preamble and resolution:

Whereas, in the present embarrassed condition of the State, it is impossible to progress with the public works now suspended, and any proposition to that end would consume valuable time without any good result: Therefore,

*Resolved*, That no such proposition will be entertained during the present session, except the Wabash and Erie canal.

Mr. Robinson moved to amend by adding the words "and Madison and Indianapolis Rail-road;"

Which was adopted.

Mr. Butler of V. moved further to amend by adding after the words "Rail-road," the words "southern division of the Central canal;"

Which was adopted.

On motion of Mr. Montgomery of W.,

The resolution as amended was laid upon the table.

On motion of Mr. Freeman,

*Resolved*, That a committee of three be appointed to enquire into the expediency of constituting, by law, the Secretary of State, Auditor of Public accounts, and State Treasury, a board of commissioners on the part of this State, whose duty it shall be to purchase all necessary paper, books, and stationery of all kinds, lights, and fuel for the use of the State, from year to year, and to contract for the distribution of the laws and journals; with leave to report by bill or otherwise.

Messrs. Freeman, Chiles, and Atherton were appointed said committee.

On motion of Mr. Chrisman,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency and propriety of changing the time for collectors to pay over the State revenue to the Treasurer of State, and fixing the time to pay the same to said Treasurer on the first Monday of January in each year; with leave to report by bill or otherwise.

Mr. Brenton asked, and obtained leave, to introduce,

No. 19, a bill extending the time of payment to borrowers of the sinking, college, and saline funds, and of the surplus revenue;

Which was read and passed to a second reading on to morrow.

On motion of Mr. Welch,

*Resolved*, That the committee on the judiciary be instructed to enquire into the expediency of so changing the law regulating seminaries, as to make all district schools county seminaries; and that all fines assessed against individuals be appropriated to schools in the district in which they live.

On motion of Mr. Champer,

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the 15th section of the "act regulating the practice in suits at law," as to require the several clerks to docket all suits for the second day, that are founded on a written in-



strument for the payment of money and provide some suitable punishment in case any clerk shall fail to discharge any of the duties required by said section; and report by bill or otherwise.

Mr. McCully presented the remonstrance of sundry citizens of Carroll county, which was read and referred to the select committee to which a petition on the same subject had been referred.

On motion of Mr. Blair,

*Resolved*, That the judiciary committee be hereby instructed to enquire into the expediency of so amending "an act entitled an act to prohibit the issuing or circulating of small notes, commonly called shin plasters," approved February 24, 1840, and thereby suppress the circulation of all such individual and corporation notes; and report by bill or otherwise.

Mr. Peck offered the following resolution,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of reducing the number of Senators and Representatives; the Senators to the number of thirty-four; the Representatives to seventy; and also to enquire into the expediency of reducing the per diem allowance to members of the Legislative departments of this State; with leave to report by bill or otherwise.

Mr. Walpole moved to amend by striking out "ways and means," and inserting in lieu thereof, the words "the select committee to whom resolutions on the same subject have been referred," which amendment prevailed.

The resolution as amended was then adopted.

Mr. Brown offered the following resolution,

*Resolved*, That the judiciary committee enquire into the expediency of so amending the law, that from and after the first day of May next (1841,) all deeds, trust deeds, and mortgages shall bear date at the time they are delivered over to the recorder, and that it shall be the duty of the recorder to enter on the back of such deed, trust deed, or mortgage, the date and the precise time of day when such deed, trust deed, or mortgage came into his hands for record, and that the recorder shall give a receipt for the same.

Mr. Cole moved to amend by adding "and that the committee be instructed to give the recorders a lien upon the premises in said deeds and mortgages mentioned for his fees;" which amendment was not adopted.

Mr. Walpole moved to amend by adding, "and that the committee enquire what amendment, if any, are necessary to the act entitled an act, providing for the recording of mortgages on personal property," approved Feb. 17, 1838; which was not adopted.

The question then recurring on the adoption of the resolution, it was decided in the negative.

So said resolution was not adopted.

On motion of Mr. Brenton,

*Resolved*, That the Judiciary committee be instructed to enquire what amendments, if any, are necessary to the law authorizing writs

of *ne exeat*, approved Feb. 17, 1838; with leave to report by bill or otherwise.

Mr. Smydth of D. offered the following resolution:

*Resolved*, That the committee on federal relations be instructed to enquire into the expediency of instructing our Senators and requesting our Representatives in Congress, to use all laudable exertions in Congress for the establishment of a National Bank that shall insure to the people of the United States a general, sound, and uniform currency; with leave to report by bill or otherwise.

On the passage of which resolution, the ayes and noes were demanded by Messrs. Bowles and Newel of F.; pending which question,

The House, on motion, adjourned until to-morrow morning at 9 o'clock.

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WEDNESDAY, DEC. 16th, 1840.

The House met pursuant to adjournment.

Mr. Speaker laid before the House a report from the Auditor of Public Accounts.

Which was referred to the same select committee to whom subjects of the same kind had been referred.

The following message was received from the Senate, by Mr. Maquire, their Secretary,

MR. SPEAKER:

The Senate has passed, without amendment, a bill of the House of Representatives, entitled,

No. 5. A bill authorizing a special term of the Putnam Circuit Court.

The Senate has also passed an engrossed bill of the Senate, entitled, No. 5. A bill to repeal an act entitled "an act to provide for a more uniform mode of doing township business, in the county of Randolph," approved January 21, 1839;

In which bill of the Senate the concurrence of the House of Representatives is respectfully requested.

Which bill of the Senate was read the first time, and ordered to a second reading on to-morrow.

Mr. Coffeen presented the petition of Thomas Hackett and others, relative to the issuing of a writ of *ad quod damnum*,

Which was read and referred to the judiciary committee.

Mr. Dunbar made the following report,

MR. SPEAKER:

The select committee to whom was referred the petition of the board of commissioners of Jackson county, and the Probate Judge of said county, have had the same under consideration and would respectfully report, that they would recommend the passage of the following bill.

No. 2; entitled "a bill to authorize the board of commissioners, and the Probate Court of Jackson county, to hold the sessions of their respective courts, in the clerk's office of said county,

Which was read the first time and passed to a second reading on tomorrow.

Mr. Shanks made the following report from the committee on engrossed bills.

MR. SPEAKER:

The committee on engrossed bills have directed me to report, that they have examined engrossed bills, as follows:

No. 6: a bill to vacate a part of the the town of Kirklin, in Clinton county,

No. 7, a bill to appropriate a part of the 3 per cent. fund belonging to Greene county, to purposes therein named,

No. 8; a bill to amend an act approved Feb. 24th, 1840, entitled "an act relating to state roads."

All of which they find correctly engrossed.

Mr. Champer then made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of William R. Hudson et al, on the subject of incorporating the petitioners as the Owen County Band, for the purposes therein named, have considered that subject and directed me to report the following bill,

No. 21, entitled "an act to incorporate the Owen County Band, of Gosport,"

Which was read the first time and passed to a second reading on tomorrow.

Mr. Rippey made the following report,

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Elkhart county, on the subject of a more uniform mode of doing township business, have had the same under consideration and directed me to report the following bill, to wit:

No. 22; Entitled "A bill to provide for a more uniform mode of doing township business in the county of Elkhart,"

Which was read the first time and passed to a second reading on to-morrow.

The House then resumed the consideration of the resolution offered by Mr. Smydth of D., which was under consideration, when the House adjourned on yesterday.

Mr. Judah moved that the resolution be referred to the committee of the whole House, and made the order of the day for Monday next,

And the ayes and nays being demanded thereon by Messrs. Bowles and Newell of F.,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Bowers, Bradbury, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Champer, Clark of Dearborn, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conwell, Defrees, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Hamer, Hannah, Harding, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Leslie, Matson, Mason, McCrillis, Montgomery of Gibson, Montgomery of Warren, Morgan, Newel of White, North, Peck, Quick, Rawlings, Rayburn, Robbins, Ross, Russell, Shawhan, Shortridge, Sloan, Smydth of Daviess, Smith of Fayette, Strattan, Sweetser of Grant, Walpole, Welch, Wilson, Woodard, and Mr. Speaker.—61.

*Those who voted in the negative were*

Messrs. Blankenship, Boon, Bowles, Brenton, Burton, Byers, Carr, Casey, Chiles, Chrisman, Clark of Fountain, Conner, Dowling, Dunbar, Goodenow, Graham, Harrah, Henley, Lucas, McCoy, McCully, Miller, Newell of Fountain, Read, Ritchey, Rippey, Rose, Rulon, Runyan, Saylor, Schoonover, Shanks, and Stanford—34.

So said resolution was committed to the committee of the whole House and made the special order of Monday next.

Mr. Leslie offered for adoption the following resolution,

*Resolved*, That the committee on the judiciary be instructed to report a bill to repeal an act, entitled "An act subjecting real and personal estate to execution," approved February 4th, 1840.

Mr. Brenton moved to amend said resolution by striking out the words "be instructed" and insert the words "inquire into the expediency of;" when,

On motion of Mr. Read,

The resolution and amendment were laid on the table.

Mr. Chiles offered for adoption the following resolution,

*Resolved*, That the judiciary committee be requested to inquire into the expediency (upon the expiration of the present stay law of this state,) of reviving the former laws upon that subject."

Mr. Durbin moved the following amendment, viz:

"And that the committee be further instructed to report that, when any debtor shall not be able, or neglect to take the stay, his or her

property shall be sold on the same credit, of which he might have taken the stay,"

Which amendment was adopted.

And the question then recurring upon the adoption of the original resolution as amended,

Was decided in the affirmative.

On motion of Mr. Harding,

*Resolved*, That the committee on the affairs of the town of Indianapolis, be instructed to inquire into the expediency of abolishing the office of agent of state for the town of Indianapolis; and should it be found inexpedient to abolish said office, the said committee be instructed to inquire into the propriety of reducing the salary of said officer.

On motion of Mr. Conwell,

*Resolved*, That a select committee be instructed to inquire into the expediency of providing by law, that to a promisory note or obligation for the payment of any sum not exceeding one hundred dollars, there may be subjoined or annexed a warrant, as a part of the obligation or otherwise, authorizing any justice of the peace, having jurisdiction to enter judgement upon such obligation without process, in order that a portion of the cost incident to the collection of small sums, may be saved to defendants.

Messrs. Conwell, Goodenow and Dowling were appointed said committee.

On motion of Mr. Farrington,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending, or repealing so much of the law as gives jurisdiction to the supreme court, in cases of appeal from justices of the peace, and other cause coming before said court for adjudication, other than by appeal, or writ of error, with leave to report by bill or otherwise.

On motion of Mr. Champer,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency, of revising the probate system, and provide that the business done by the probate courts in this state, shall be transferred to the circuit courts, or if such course is not deemed proper, then to district the state into circuits, for the transaction of the business of said courts, and to report by bill or otherwise.

On motion of Mr. Cole,

*Resolved*, That a committee to consist of the members of this House, from the county of Dearborn, be appointed to revise and amend the township law in said county.

On motion of Mr. Byers,

*Resolved*, That the committee on the judiciary, be instructed to inquire into the expediency of so amending the act, regulating the fees and salaries of the several officers and persons therein named, approved, Feb. 7th 1831, that the whole amount allowed to petit jurors shall hereafter be taxed against the parties litigant as other costs, and to be collected accordingly; with leave to report by bill or otherwise.

On motion of Mr. Butler of C.

*Resolved*, That so much of the report of the board of Internal Improvements as relates to the drafts issued on the fund commissioners, based upon the further proceeds of canal lands, be referred to a select committee, with leave to report by bill or otherwise.

Messrs. Butler, Hanna and Rayburn, were appointed said committee.

On motion of Mr. Stratton,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of changing the time of holding the June term of the Wayne circuit court, from the fourth Monday of June, to commence on the 2d Monday of August in every year; also that said committee be directed to inquire into the propriety of extending the February term of said Wayne circuit court to three weeks, if the business thereof should require it, and that they be directed to report thereon by bill or otherwise.

On motion of Mr. Graham,

The reference was changed from the "judiciary," to the select committee, to which the revision of the judicial circuits had been referred.

On motion of Mr. Rippey,

*Resolved*, That the committee of ways and means, be instructed to inquire into the expediency of electing one assessor in each county, once in four years, whose duty it shall be to make an assessment of real estate only—and such assessments when so made, to be subject to the inspection and correction of a board of equalization, to be elected by the legislature; and to require the election of one or more assessors in each county, and make it their duty to make annual assessments of all personal property, together with such real estate, as may become taxable, between the times of making the equalizations.

And to elect one collector in each county, and making it the duty of the people, to call upon such collector, between the first of September, and the last of November, in each year, at some convenient place in each township, for the purpose of paying their taxes, with leave to report by bill or otherwise.

On motion of Mr. Robbins,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of amending the law concerning foreign attachments, so that in all cases, where any debtor shall abscond or remove from this state; leaving debts or claims against such debtor which may not be due; his creditor or creditors shall have a remedy against his real and personal property, by process of attachment; with leave to report by bill or otherwise.

Mr. Sloan offered for adoption the following resolution;

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the second section of the act entitled, "an act to amend the several acts of this state relative to the taking up of animals going estray, and water crafts and other articles of value adrift," approved February 24th, 1840, so as to provide that all estrays the appraised value of which amounts to ten dollars or more,

shall be advertised in some public newspaper; also instructed to suggest such other amendments as they may deem requisite to said act.

When, On motion of Mr. Morgan,

The reference was changed to the select committee which was heretofore appointed to revise the estray laws.

Mr. Stanford moved to strike out of the resolution the word "ten" before dollars and insert "twenty."

Which motion did not prevail.

When said resolution, as amended, was adopted.

On motion of Mr. Miller,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of reducing the time for which apprentices shall be bound to serve; and more especially those bound out by the overseers of the poor, and by guardians.

On motion of Mr. Defrees,

*Resolved*, That the propriety of enacting a law so changing the mode of collecting the state and county revenue, that it be collected by the treasurer of each county, and to provide for the election of that officer by the people, and to fix the term for which he shall hold his office, and the per centum on such collections, he shall be entitled to receive for his services, be referred to a select committee; with leave to report by bill or otherwise.

Ordered that Messrs, Defrees, Runyan, Butler of Cass, and Wilson, be said committee.

On motion of Mr. Read,

*Resolved*, That the judiciary committee be instructed to report to this House any amendments that they may think necessary, to the acts relative to tenants.

#### BILLS INTRODUCED.

Mr. Walpole introduced a bill No. 23, to amend an act entitled "an act providing for the recording of mortgages on personal property.

Mr. Smith of F., introduced a bill No. 24, "to amend the practice in suits in chancery."

Mr. Elkins introduced a bill No. 25, attaching Randolph county to the 6th judicial circuit.

Mr. Dunn introduced a bill No. 26, to amend an act entitled "an act to incorporate the Lawrenceburgh Bridge Company."

Mr. Burton introduced a bill No. 27, for the location of a state road in Clay county.

Mr. Cole introduced a bill No. 28, to legalize the contract of separation between C. Bird Pate and Catharine his wife, and William Patterson and Robert Turner her trustees, and other purposes.

Mr. Howe introduced a bill No. 29, to provide for a more uniform mode of doing township business, in the counties of Lagrange, Steuben, De Kalb, and Noble.

Mr. Howe introduced a bill No. 30, for the formation of the twelfth judicial circuit and for other purposes.

Mr. Butler of V., introduced a bill No. 31, to amend an act entitled

“an act regulating the taking up of animals going estray and water crafts and other articles of value adrift.”

Which several bills were read the first time and passed to a second reading on to-morrow.

ORDERS OF THE DAY.

*Bills of the House*—No. 7; a bill to appropriate a part of the three per cent. fund belonging to Greene county to purposes therein named.

No. 8; a bill to amend an act approved February 24th, 1840, entitled an act relative to state roads.

Were severally read the third time and passed.

*Of the Senate*—No. 1; for the relief of Cecil Brandt,

Was read the second time and ordered to a third reading on to-morrow.

No. 2; for the relief of J. S. Reed,

Was read the second time and passed to a third reading on to-morrow.

No. 4; for the relief of the collector of Porter county.

Was read the second time, when,

Mr. Leslie moved that the said bill be committed to the committee of ways and means, with instructions “to give the benefit of said bill to all the collectors of revenue in the several counties.”

Mr. Smith of Fayette called for a division of the question, and the first branch thereof being put, to-wit; shall the bill be committed?

Was decided in the affirmative.

The question then recurring on instructing said committee,

Was decided in the negative.

Bill of the House, No. 11; to prohibit the amalgamation of whites and blacks,

Was read the second time, when,

Mr. Standford moved that said bill be committed to a select committee, when,

On motion of Mr. Clark of T.,

Said motion was amended and the bill committed to a committee of the whole House, and made the order of the day for 2 o'clock, P. M., of this day.

And the House adjourned until 2 o'clock, P. M.

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2 o'clock P. M.

The house met pursuant to adjournment.

The House proceeded to the orders of the day, being bills on second reading.



No. 12, a bill for the relief the heirs of John Buck deceased;  
Which was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 13, a bill to extend the time of final payment to purchasers of the 16th sections;

Which was read a second time and referred to the committee on Education.

No. 14, a bill to amend an act entitled "An act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county;"

No. 15, A bill for the relief of Benedict O'Neal;

No. 17, a bill to provide for the mode of doing township business in the county of Miami;

Were severally read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 18, A bill for the relief of the Collector of Elkhart county;  
Was read a second time and referred to the committee on Ways and Means.

No. 19, a bill extending the time of payment to borrowers of the Sinking, College, and Saline funds, and of the Surplus Revenue;

Was read and referred to the committee on Ways and Means.

The House then resolved itself into a committee of the whole on bill no. 11, to amend an act entitled "An act to prohibit the amalgamation of whites and blacks," approved February 24th, 1840—Mr. Read in the chair—and after having gone through therewith, the committee rose and the Chairman reported the following amendments to the House:

No. 1, insert after the word "that," in the first line of the first section, the words "if any Clerk shall issue a license."

No. 2, strike out the words "one thousand" and "ten thousand," and the words "five hundred" and "five thousand," where they occur, and insert the words "fifty" and "one hundred."

3rd, strike out all after the enacting clause and insert "that the 2d, 4th, 5th, 6th, and 7th sections of the act entitled "An act to prohibit the amalgamation of whites and blacks," be, and the same are hereby repealed."

The House refused to concur in the 1st and 2nd amendments, but concurred in the 3rd.

And the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Farrington presented the memorial of E. M. Huntington and others, on the subject of the Cross-Cut canal;

Which was read and referred to the committee on Canals and Internal Improvements.

On motion of Mr. Montgomery of Gibson,

*Resolved*, That the standing committee on roads be instructed to inquire into the expediency of making it obligatory on the Sheriffs of the several counties of this State, under suitable penalties, to notify the supervisors appointed on roads of their appointments.

Mr. Howe presented the petition and remonstrance of sundry citizens of Lagrange county;

Which, without reading, were laid upon the table.

Bills were then introduced by

Mr. Bowers, No. 32, a bill to revive part of an act therein named.

Mr. McCulley, No. 33, a bill to amend an act entitled "An act regulating the fees and salaries of the several officers and persons therein named," approved Feb. 7th, 1831.

Mr. Burgess, No. 34, a bill repealing so much of an act, approved Feb. 24th, 1840, as relates to Union county;

Which were severally read and passed to a second reading on to-morrow.

On motion of Mr. Morgan,

*Resolved*, That the committee on Ways and Means to whom was referred a bill entitled, "A bill for the redemption of Treasury notes of the denomination of fifty dollars," be instructed to report with said bill, the cost, as near as it can be ascertained, of carrying into effect its provisions.

On motion of Mr. Runyan,

*Resolved*, That the committee on the Judiciary be instructed to inquire into the expediency of repealing the law now in force, subjecting persons to a fine that may pass any bank bill of a less denomination than five dollars; with leave to report by bill or otherwise.

Mr. Walpole introduced bill no. 35, 'to amend an act entitled "An act regulating the practice in Chancery," approved February 10th, 1831;'

Which was read a first time and passed to a second reading on to-morrow.

Mr. Atherton offered the following resolution:

*Resolved*, That a committee of five, consisting of members from counties not interested in the public works, be instructed to inquire into the expediency of classifying our public works, and setting forth the different works composing the first, second and third classes of said works; with leave to report by bill or otherwise.

Mr. Standford moved to amend by changing the reference from a select committee to the committee on Canals and Internal Improvements;

Which motion prevailed.

The resolution as amended was then adopted.

On motion,

The House adjourned until to-morrow morning, at 9 o'clock.

THURSDAY, Dec. 17th, 1840.

The house met pursuant to adjournment.

MR. SPEAKER:

The committee on engrossed bills have directed me to report that they have examined the following bills of the House:

No. 11, a bill to amend an act entitled "an act to prohibit the amalgamation of whites and blacks," approved Feb. 24, 1840.

No. 12, a bill for the relief of the heirs of John Buck.

No. 14, a bill to amend an act entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county."

No. 15, a bill for the relief of Benedict O'Neal.

No. 17, a bill to provide for the mode of doing township business in the county of Miami.

And find the same correctly engrossed.

The Speaker presented the memorial of H. Chase on the subject of preferring articles of impeachment against John W. Wright, President Judge of the eighth Judicial Circuit; which was referred,

On motion of Mr. Brenton,

To the committee on the Judiciary, with power to send for persons and papers.

Mr. Ball presented the petition of sundry citizens of Porter county, on the subject of a State road;

Referred to the committee on Roads.

Mr. Runyan presented the petition of sundry citizens of Marshall county, asking to attach a part of Marshall to Fulton county;

Which was read and referred to a select committee of Messrs. Runyan, Rayburn and Howe.

Mr. Howe presented the petition of John D. Defrees, relative to State Scrip destroyed by fire;

Which was read and referred to a select committee of Messrs. Howe, Defrees, and Newell of W.

Mr. Ball presented the petition of John W. Wright and other citizens of Porter county, for an act of incorporation to build a bridge therein named;

Which, without reading, was referred to the committee on Corporations.

Mr. Jenckes, from the committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee of Ways and means, to whom was referred the me-

morial of the members of the New-Harmony Working Men's Institute, "soliciting this legislature to make such provision that in future all societies or associations having a circulating library of one hundred volumes, may, on application to the proper officer for the same, to be supplied with all the printed documents of the State, free of cost except that of transportation," have had the same under consideration, and instructed me to report:

That, in consideration of the present embarrassed condition of the State Treasury, they deem it inexpedient to comply with the prayer of the petitioners, and ask to be discharged from the further consideration of the same.

Which was concurred in by the House.

The following reports were made by the Judiciary committee:

1st. By Mr. Matson, a member thereof;

Mr. SPEAKER:

The judiciary committee to whom was referred a resolution of the House, directing "an inquiry into the expediency of amending the 15th section of the act regulating the practice in suits at law, so as to require the several clerks to docket all suits for the second day that are founded on written instruments for the payment of money, and to punish clerks who shall fail to perform that duty, have had that subject under consideration and directed me to report that they consider legislation on that subject inexpedient.

Which report was concurred in.

2d By Mr. Matson,

Mr. SPEAKER:

The judiciary committee to whom was referred a resolution of the House, instructing them "to inquire into the expediency of giving concurrent jurisdiction to the justices of the peace in the several counties in all cases of inquest, with the coroners of the several counties," have had that subject under consideration and directed me to report that they consider it inexpedient to legislate on that subject.

Which was concurred in.

3d By Mr. Rulon, a member thereof.

Mr. SPEAKER:

The judiciary committee to whom was referred a resolution instructing them to inquire into the expediency of so amending the present law relating to crime and punishment as to render those commencing suit in behalf of the state, liable for all costs which may accrue thereon, when such complainants fail to sustain such suit; have had the same under consideration, and deem it inexpedient to legislate further upon the subject, and ask to be discharged from the further consideration thereof.

Mr. Jones moved to re-commit the report and resolution to the judiciary committee, with instructions to report a bill in accordance with said resolution, and to inquire into the expediency of releasing the obligation of secrecy, on the part of grand jurors, after the prisoner shall have been arrested.

Mr. Brenton called for a division of the question, (being on committing,)

Which was decided in the negative,

So the House refused to commit, and the question recurring on concurrence in the report of the committee, it was decided in the affirmative.

4th By Mr. Howe,

Mr. SPEAKER,

The committee on the judiciary to whom was referred the petition for the relief of the children of Walter Slawter deceased, instruct me to report the following bill,

No. 36, Entitled "a bill for the relief of the children of Walter Slawter,"

Which was read the first time and passed to a second reading on to-morrow.

5th By Mr. Walpole,

Mr. SPEAKER,

The judiciary committee to whom was referred bill of the House of Representatives No. 2, entitled, "a bill to regulate the practice in suits at law," have according to order had the same under consideration, and have instructed me to report the same back to the House of Representatives without amendment, and recommend its adoption by the House,

Which report was concurred in, and bill No. 2, mentioned in the report was ordered to be engrossed and read a third time to-morrow.

6th By Mr. Robbins,

Mr. SPEAKER,

The Judiciary committee, to whom was referred the petition of James Ashcroft showing that five dollars and fifty eight cents tax, on certain lands therein named, has been paid by said petitioner, and praying relief; have had the same under consideration, and have directed me to report, that it is the opinion of the committee, that it is inexpedient to legislate further upon the subject, and ask to be discharged from the further consideration thereof.

Which report was concurred in.

7th By Mr. Walpole,

MR. SPEAKER,

The judiciary committee to whom was referred a resolution of the House, directing the said committee to inquire into the expediency of so amending the present law "relating to the recording of various instruments of writing so as to require that such instrument shall be placed on record before they shall be recognized as valid;" the said committee have had the same under consideration, and instruct me to report that it is inexpedient to legislate on the subject, and ask the concurrence of the House.

Which report was also concurred in.

Mr. Runyan made the following report;

MR. SPEAKER:

The select committee to whom was referred the petition of Joseph Robinson and others, to vacate a certain town plat, ask leave to report the following bill:

No. 37, a bill to vacate the town plat of the village of Charlottesville, in Kosciusko county, Indiana;

Which was read, and passed to a second reading on to-morrow.

On motion of Mr. Mason,

*Resolved*, That the Auditor of Public accounts be required to report to this House, the annual amount received for furnishing the several counties of this State with a copy of the track book, and maps of lands sold within said counties, under the act entitled "an act concerning the Auditor of public accounts and Treasurer of State," approved January 7, 1831; and whether the amount so received, be in addition to his annual salary.

On motion of Mr. Peck,

*Resolved*, That the committee on Education be instructed to enquire into the expediency of amending the school law so as to authorize and require the school commissioners of the different counties in this State to make a distribution to the different township treasurers of their respective counties on the first *Mondays* of *March* and *September* in each year, all the interest paid into their hands, by the agents of the surplus revenue; with leave to report by bill or otherwise.

On motion of Mr. Robinson,

*Resolved*, That the committee on the judiciary be instructed, to enquire into the expediency of repealing so much of the act entitled "an act regulating the practice in suits at law," approved January 29, 1831, as requires bail in all actions of debt and cases founded on any writing for the payment of money and in actions of covenant, and requiring an affidavit previous to such holding to bail as in other cases; and also to enquire into the expediency of abolishing the writ of *capias ad satis faciendum* in all cases, and giving to the creditor in lieu thereof some efficient means of reaching choses in action and equitable interest belonging to the debtor; with leave to report by bill or otherwise.

Mr. Jones offered the following resolution,

*Resolved*, That a select committee of eleven members be appointed, composed of members representing counties, which were not provided for in an "act to provide for a general system of internal improvement," approved Jan. 27, 1836; with instructions to classify all works embraced in said act; and report a bill.

Mr. Montgomery of Warren, moved to lay the resolution on the table, and the ayes and noes, being demanded by Messrs. Jones and Walpole.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Bradbury, Burgess, Champer, Farrington, Hanna, Hiatt, Jenckes, Lancaster, Leslie, Miller, Montgomery of W., Newell of F., Robbins, Rulon, Stanford, Stratton, Mr. Speaker,—19.

*Those who voted in the negative were,*

Messrs. Blair, Blankenship, Boon, Bowers, Bowles, Brenton, Brown, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Dunbar, Durbin, Foote, Freeman, Goode-now, Graham, Hamer, Harding, Harrah, Harrison, Henley, Houghton, Howe, Jones, Kerr, Kyle, Lucas, Mason, Matson, McCoy, McCrillis, McCulley, Montgomery of G., Morgan, Newel of W., North, Peck, Quick, Rawlings, Read, Reyburn, Ritchey, Rippey, Robinson, Rose, Ross, Runyan, Russell, Sayler, Schoonover, Shanks, Shawhan, Short-ridge, Sloan, Smydth, of D. Smith, of F., Sweetser of G., Terrell, Welch, Walpole, Wilson, and Woodard,—77.

So said resolution was not laid upon the table.

Mr. Hamer then moved to amend by adding the following:

And that they be further instructed to take into consideration those parts of works, where much money has been spent, and the work near completion, such as that part of the Jeffersonville and Crawfordsville Road, between Jeffersonville and Salem, and that part of the New-Albany and Vincennes Road between Paoli and Mount Pleasant.

Mr. Smydth of D., moved to amend the amendment, as follows:

"With instructions to take into consideration such works as combine most of the following requisites:"

1st. Such as can be finish in the shortest time.

2d. Such as will cost the least proportionate amount of money, &c.,

3d. Such as will yield the greatest proportionate revenue when completed."

Which, without a vote, was accepted by Mr. Hamer.

The amendment as modified, was then accepted by Mr. Jones.

Mr. Chiles moved to amend the resolution, as modified, as follows:

"By instructing the committee, in classifying the public works, not to place more than two works in each class.

Pending which amendment, the House adjourned until 2 o'clock P. M.

2 o'clock P. M.

The House met pursuant to adjournment,

The House proceeded to the consideration of the question pending at last adjournment, being on the instructions moved by Mr. Chiles; and the question being taken, it was decided in the negative.

Mr. Freeman moved to amend the resolution by striking out the word "eleven," and inserting the word "five," which was accepted by the mover.

Mr. Read moved to amend the resolution by striking out the words "with instructions," and insert "inquire into the expediency," which was not adopted.

Mr. Runyan moved to strike out the word "five," and insert the word "nine," which was not adopted.

Mr. Champer moved to strike out all the instructions to the committee, and insert the following;

"Taking into consideration, the interests of the state in said classification;"

Which amendment was adopted;

And the question recurring on the passage of the resolution as amended, and the ayes and noes being demanded by Messrs. Chiles and Brenton.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blankenship, Boon, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of C., Butler of V. Carr, Casey, Champer, Chiles, Chrisman, Clark of D. Clark of T. Coffeen, Coleman, Conner, Conwell, Defrees, Dunn, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Lucas, Masan, Matson, M'Coy, M'Crillis, M'Cully, Miller, Montgomery of G., Montgomery of W. Morgan, Newell of W. North, Peck, Quick, Rollings, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smith of F. Stanford, Stratton, Sweetser of G. Terrell, Welch, Wilson, Woodard and Mr. Speaker—81.

*Those who voted in the negative were,*

Messrs. Blair, Bowles, Burton, Byers, Clark of F. Cole, Dunbar, Henley, Newell of F. Read, Rulon—11.

So said resolution, as amended, was adopted.

The Speaker then laid before the House, reports from the branches of the State Bank of Indiana, at Lafayette and Fort Wayne, which, without reading, were referred to the committee on the State Bank.



The following report was made by Mr. Butler of Cass.

MR. SPEAKER,

The committee on enrolled bills report that they have compared the engrossed with the enrolled bill of the following title, viz:

No. 5, a bill authorizing a special term of the Putnam circuit court, and find the same correctly enrolled.

Whereupon the Speaker signed the same.

BILLS INTRODUCED.

Mr. Brown introduced a bill No. 38, for the prevention of frauds and perjuries.

Mr. Burton introduced a bill No. 40, to lessen the per diem allowance of members of the General Assembly, and other officers of state.

Mr. Sweetser of G. introduced a bill No. 41, to locate a state road from Marion in Grant county to Indianapolis.

Mr. Rawlings introduced a bill No. 42, for the relief of William Trulock.

Mr. Houghton introduced bill No. 43, entitled "a bill to amend an act defining and regulating privileges."

Which were severally read the first time, and passed to a second reading on to-morrow.

Mr. M'Crillis introduced bill No. 39, to authorize the collection of the state and county revenue for 1839, for the county of Dubois.

Which was read the first, second and third times, (the rules being dispensed with) and passed.

ORDERS OF THE DAY.

Bills of the Senate.

No. 1, a bill for the relief of Cecil Brandt was read the third time and passed.

No. 2, a bill for the relief of John S. Reed, was read the third time, and the question being on its passage, and the ayes and noes being demanded by Newell of Fountain and Rulon.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Boon, Bowles, Bradbury, Brown, Butler of V., Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of F., Clark of T., Coffeen, Cole, Conner, Conwell, Dunbar, Durbin, Elkins, Foote, Goodenow, Graham, Hamer, Hanna, Harding, Harrison, Henly, Hiatt, Houghton, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Lucas, Mason, Matson, McCoy, McCrillis, McCully, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Rawlings, Read, Rayburn, Ritchey, Rip-

pey, Robbins, Robinson, Rose, Ross, Rulon, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Terrell, Walpole, Welch, Wilson, and Woodard—79.

*Those who voted in the negative were,*

Messrs. Bowers, Brenton, Burgess, Burton, Clark of D., Coleman, Dunn, Farrington, Harrah, Howe, Miller, Quick, Runyan, Russell, and Mr. Speaker—15.

So said bill passed, and ordered that the Senate be informed thereof.

No. 11, to amend an act entitled "an act to prevent the amalgamation of whites and blacks," approved February 24th, 1840, was read the third time;

When Mr. Walpole moved to re-commit the bill to a select committee, with instructions to strike out the word "fifth," where it occurs in the first section of the bill.

When Mr. Clark of T., called for a division of the question, (which being on re-committing,) and the ayes and nays being demanded thereon by Messrs. Walpole and Sloan,

*Those who voted in the affirmative were,*

Messrs. Blankenship, Butler of V., Chiles, Coffeen, Conner, Conwell, Graham, Henly, Houghton, Howe, Jones, Leslie, Mason, Read, Rippey, Robbins, Robinson, Runyan, Shortridge, Sloan, and Walpole—21.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Boon, Bowers, Bowles, Bradbury, Brenton, Brown, Burton, Butler of C., Byers, Carr, Casey, Champer, Chrisman, Clark of D., Clark of F., Clark of T., Cole, Coleman, Defrees, Dunn, Dunbar, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Hanna, Harding, Harrison, Hiatt, Jenckes, Kerr, Kile, Lancaster, Lucas, Matson, McCoy, McCrillis, McCully, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Rayburn, Ritchey, Rose, Ross, Rulon, Russell, Saylor, Schoonover, Shanks, Shawhan, Smydth of D., Stanford, Stratton, Sweetser of G., Terrell, Welch, Wilson, Woodard, and Mr. Speaker—73.

So said bill was not re-committed.

And the question recurring on the passage of the bill, and the ayes and noes being demanded by Messrs. Walpole and Butler of Vanderburgh.,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Boon, Bowers, Bowles, Bradbury,

Brenton, Brown, Burton, Butler of C., Byers, Carr, Casey, Champer, Chrisman, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Defrees, Dunn, Dunbar, Durbin, Elkins, Farrington, Foote, Freeman, Graham, Hamar, Hanna, Harding, Harrah, Harrison, Hiatt, Jenckes, Kerr, Kile, Lancaster, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Rayburn, Ritchey, Robbins, Rose, Ross, Rulon, Russell, Saylor, Schoonover, Shanks, Shawhan, Smydth of D., Stanford, Stratton, Sweetser of G., Terrell, Welch, Wilson, Woodard, and Mr. Speaker—75.

*Those who voted in the negative were,*

Messrs. Blankenship, Butler of V., Chiles, Conwell, Goodenow, Henley, Houghton, Howe, Jones, Leslie, Mason, Read, Rippey, Robinson, Runyan, Shortridge, Sloan, and Walpole—18.

So said bill was passed, and ordered that the Clerk inform the Senate thereof.

No. 14, a bill to amend an act entitled "an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county," approved January 18th, 1840.

No. 12, a bill for the relief of the heirs of John Buck deceased.

No. 15, a bill for the relief of Benedict O'Neal.

No. 17, a bill to provide for the mode of doing township business in the county of Miami.

Were severally read a third time and passed.

Ordered, that the Clerk inform the Senate thereof.

#### BILLS ON THE SECOND READING.

No. 5, a bill to repeal an act entitled "an act to provide for a more uniform mode of doing township business in the county of Randolph," approved January 21st, 1839,

Was read a second time and ordered to a third reading on to-morrow.

No. 20, a bill to authorize the board of commissioners and the Probate court of Jackson county, to hold the sessions of their respective courts in the Clerk's office of said county.

No. 21, a bill to incorporate the Owen County Band of Gosport.

No. 23, a bill to amend an act providing for the recording of mortgages on personal property.

No. 22, a bill to provide for a more uniform mode of doing township business in the county of Elkhart.

No. 29, a bill to provide for a more uniform mode of doing county business in the counties of Lagrange, Steuben, DeKalb, and Noble.

No. 34, a bill to repeal so much of an act approved February 24th, 1840, so far as relates to the county of Union;

Were severally read twice, ordered to be engrossed, and read third time to-morrow.

No. 24, a bill to amend the practice in suits in chancery, was read the second time and referred to the Judiciary committee.

No. 25, a bill attaching Randolph county to the sixth Judicial Circuit, was read the second time and referred to the same select committee to which the organization of all the circuits in the State had been referred.

No. 26, a bill to amend an act entitled "an act to incorporate the Lawrenceburgh bridge company, was read the second time and referred to the committee on Corporations.

No. 27, a bill for the location of a State road in Clay county, was read a second time and referred to the committee on Roads.

No. 28, a bill to legalize the contract of separation between C. Bird Pate and Catharine his wife, and William Patterson and Robert Turner her trustees, and other purposes, was read the second time; when,

On motion of Mr. Robinson,

It was amended by striking out the second section thereof.

The bill was then referred to the Judiciary committee.

No. 30, a bill for the formation of the 12th Judicial circuit, and for other purposes, was read the second time, and referred to a select committee of Messrs. Hanna, Sweetser of G., and Howe.

No. 31, a bill to amend an act entitled "an act regulating the taking up of animals going astray, and water crafts and other articles of value going adrift, was read the second time and referred to the select committee to which the revision of the estray law had been referred.

No. 32, a bill to revive an act therein named, was read the second time; when,

On motion of Mr. Mason,

It was amended by striking out that part which required its publication in the Indiana Journal;

When said bill was referred to committee on Roads.

No. 33, a bill to amend an act entitled "an act regulating the fees and salaries of the several persons and officers therein named, was read a second time and referred to the Judiciary committee.

No. 35, a bill to amend an act entitled "an act regulating the practice in chancery," approved February 10th, 1831, was read a second time and referred to the Judiciary committee.

And the House adjourned until to-morrow morning, 9 o'clock.

FRIDAY, DEC. 18th, 1840.

The House met pursuant to adjournment.

Mr. Shanks from the committee on engrossed bills made the following report:

The committee on engrossed bills have directed me to report that they have examined the following bills.

No. 20, a bill to authorize the board of commissioners, and the probate court of Jackson county, to hold the sessions of their respective courts in the Clerk's office in said county.

No. 21, a bill to incorporate the Owen county Band of Gosport.

No. 22, a bill to provide for a more uniform mode of doing township business in the county of Elkhart.

No. 23, a bill to amend an act entitled an act, providing for the recording of mortgages on personal property.

No. 24, a bill to provide for a more uniform mode of doing township business, in the counties of Lagrange, Steuben, De Kalb and Noble.

No. 34, a bill repealing so much of an act, approved Feb. 24th 1840, as relates to Union county.

No. 2, a bill to regulate the practice in suits at law.

And find the same correctly engrossed.

Mr. Butler of C. from the committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills, report that they did this day present to His Excellency the Governor, for his approval and signature the following entitled act, which originated in the House of Representatives, to-wit:

No. 5, an act authorizing a special term of the Putnam circuit court.

The Speaker laid before the House the report of Milton Stapp one of the fund commissioners, which was referred to the committee on the canal fund.

A message was received from the Senate by Mr. Maguire their principal Secretary.

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed bills of the House of Representatives of the following titles, viz:

No. 3, a bill to stop the per diem compensation of members of the

General Assembly of the state of Indiana, in certain cases therein mentioned;

No. 8, a bill to amend an act approved Feb. 24, 1840, entitled "an act relating to state roads; and

No. 39, a bill to authorize the collection of the state and county revenue for the year 1839, for the county of Dubois.

The two last named without amendment, and the one first named with one amendment, in which the concurrence of the House of Representatives is respectfully requested.

The Senate has also passed bills of the Senate entitled as follows, viz:

No. 8, a bill fixing the times of holding the probate courts of Marion county, and for other purposes.

No. 10, a bill concerning Clerk's fees; and

No. 11, a bill to amend the act entitled "an act to incorporate county libraries," approved Feb. 17, 1838.

In which several bills of the Senate the concurrence of the House of Representatives is requested.

The amendment of the Senate to bill No. 3, mentioned in the message was, on motion, concurred in by the House.

Bills of the Senate No's. 8, 10 and 11, mentioned in the message, were severally read a first time, and passed to a second reading on tomorrow.

The following report was made from the committee on ways and means, by Mr. Jenckes, the chairman;

MR. SPEAKER:

The committee on ways and means, to whom was referred a resolution of the House, instructing the committee to inquire into the expediency of making it the duty of the fund commissioners to collect the treasury notes of the state of Indiana, of the denomination of \$50; issued by virtue of the "act for the immediate relief of contractors and others, engaged on the public works; as they may be presented to them by the holders thereof, and disburse" to them in exchange therefor, treasury notes of the denomination of \$5, bearing the same amount of interest, and payable at the same time and in like manner as the denomination of \$50; and also a "bill to authorize the redemption of the treasury notes of the denomination of \$50;" and also a resolution of the House instructing the committee to report the cost, as near as it can be ascertained, of carrying the provisions of the aforesaid bill into effect—have had the subject under consideration and directed me to

#### REPORT:

That from the best information the committee can obtain, the cost of carrying the above mentioned bill into effect, including a new set of plates, engraving, paper, printing—a new set of books and clerk hire,

would amount to about three thousand dollars. In the act of the last legislature, to provide for the issue of treasury notes, the sum of five hundred dollars only is appropriated to defray the expenses, which the committee have ascertained, from a source worthy of credit, have already amounted to nearly five thousand dollars. It is believed by the committee, that most of the \$50 treasury notes issued by the last legislature for the payment of the contractors on the public works are now in the hands of capitalists, in the city of New York, who have purchased them at a large discount as a safe investment until they are finally redeemed by the state in specie, or its equivalent. That on the resumption of cash payments by the State Bank of Indiana, which is anticipated before the adjournment of this legislature, a new issue of \$5 treasury notes, either with, or without interest, would depreciate in value in such a manner, that there would be no inducement for capitalists to make the exchange. A majority of the committee are of the opinion, that the act under which the treasury notes were issued, was both inexpedient and unconstitutional, and that an act of this legislature authorizing a new issue of new treasury notes, or a re-issue of the old ones, for the purposes contemplated in the above named resolution and bill, would be justly liable to the same objection. Under the influence of this opinion, which the committee express, not without diffidence, in as much as they are not the appropriate committee to judge of the encroachments upon the fundamental law of the state, I am directed to report the resolutions and bill back to the House, and ask to be discharged from the further consideration of the same.

Which was concurred in.

The following report was made from the committee on ways and means by Mr. Butler of V. a member;

MR. SPEAKER:

The committee of ways and means to whom was referred a bill extending the time of payment to borrowers of the Sinking, College, and Saline Funds, and of the Surplus Revenue, have had the same under consideration, and have directed me to report that they deem it inexpedient to legislate thereon, and ask to be discharged from the further consideration of the same.

Mr. Walpole moved to commit the bill to a select committee; which motion prevailed:

Mr. Graham moved the following instructions; "and that all persons who have mortgaged lands to the school commissioners for loans effected, shall be entitled to like privileges;" which were adopted, and the select committee were appointed, consisting of Messrs. Graham, Brenton and Defrees.

The following report from the committee of ways and means was made by Mr. Butler of V. a member.

Mr. SPEAKER,

The committee of ways and means, to whom was referred a resolution of the House instructing the committee to revise the several acts regulating the mode of assessing the state and county revenue in such manner as to make it the duty of the several assessors to take a list of all the children in each congressional township, on a separate list between the ages of 5 and 21 years of age, and that they report on Thursday next, have had the same under consideration and have instructed me to report it back to the House and recommend its reference to the committee on Education.

Which was concurred in by the House.

Mr. Walpole from the judiciary committee made the following report:

Mr. SPEAKER,

The judiciary committee to whom was referred a resolution of the House instructing said committee to inquire into the expediency of amending the law now in force providing for the contesting of elections, have according to order had the same under consideration and instruct me to report the following bill,

Bill No. 44, making contestors of elections liable for cost.

Which was read a first time and passed to a second reading on tomorrow.

The following report from the committee on corporations, was made by Mr. Runyan, a member,

Mr. SPEAKER,

The committee on corporations to which was referred the petition of William Goble, praying for a divorce from his wife, has had the same under consideration according to order, and has directed me to report that it is inexpedient to legislate on the subject of said petition.

Which report was concurred in by the House.

Mr. Henley, from the select committee appointed to revise the rules of this House, reported sundry amendments to said rules, which were concurred in by the House, and 200 copies of the rules as amended, ordered to be printed.

Mr. Conwell then made the following report:

Mr. SPEAKER,

The select committee appointed in obedience to a resolution of the House, to inquire into certain changes, in collection of promissory notes and obligations, have had the same under consideration, and have directed me to report the following bill,

No. 45; a bill to amend an act entitled, "an act regulating the juris-



dition and duties of Justices of the Peace," approved February 17th, 1838,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Hanna made the following report:

MR. SPEAKER,

The select committee to which was referred a bill No. 30, "for the formation of the 12th judicial circuit," have had the same under consideration, and have directed me to report the same back to the House with one amendment; which is, to strike out the bill from the enacting clause and insert the following:

Which amendment was read, and,

On motion of Mr. Butler of V.

The bill and amendment were committed to the select committee appointed to revise the Judicial circuits of this state.

Mr. Butler of Vanderburgh, gave notice that on to-morrow, he should move to amend the rules of the House by adding the following:

"The Speaker shall not respond to any member of this House, unless he is addressed by the member from his proper place."

On motion of Mr. Smith of Fayette,

*Resolved*, That the committee on Canals and Internal Improvements be instructed to report a bill, making provision for the protection of the finished portions of the several public works in this state, the regulation of the navigation thereof, and for the collection and accounting for of the tolls and rents of water power, and that said bill be so complete in all its provisions, as to answer the purpose of a revision of all former laws on that subject.

On motion of Mr. Quick,

*Resolved*, That the committee on Roads be requested to inquire into the expediency of revising the road laws, now regulating roads and highways in the several counties in this state; with leave to report by bill or otherwise.

On motion of Mr. Dunn,

*Resolved*, That the Auditor of Public Accounts be directed to furnish this House with a tabular statement of the amount credited to the collectors in each county in this state, for the delinquent land certified to the School Commissioner, under the act, approved February 2d, 1832, to provide a fund to encourage common schools.

On motion of Mr. Brenton,

*Resolved*, That the Hon. John W. Wright be allowed to appear before the committee on the judiciary by himself or counsel, for the purpose of examining and cross examining witnesses in relation to charges preferred against him.

On motion of Mr. Strattan,

*Resolved*, That the Chief Engineer, Jesse L. Williams, be requested to make a tabular statement for the use of the committee on Canals and

Internal Improvements, of each work, separately, embraced in the system, except the Wabash and Erie Canal, as follows;

1st. The length of line, and estimated cost of construction,

2d. The amount expended on each work,

3d. The amount it will cost to finish the work.

4th. The estimated income per cent. on the whole cost of construction.

5th. The per cent. on the whole cost of construction to keep the same in repair.

On motion of Mr. Montgomery of W.,

*Resolved*, That the select committee, to whom was referred that portion of the Governor's message that relates to the reduction of the number of the members of the General Assembly, be increased to three members from each congressional district.

In accordance with which, Messrs. Smydth of D., Montgomery of W., Robbins, Rose, North, Shanks and Zenor were added to said committee.

On motion of Mr. Harrah,

*Resolved*, That the committee on the judiciary be requested to inquire into the expediency of repealing an act, approved February 16th, 1839, entitled "an act to amend an act to subject real and personal estate to execution," approved February 1, 1824; and further of reviving the law which exempts only fifty dollars worth of property from execution.

Mr. Runyan offered the following resolution,

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of appropriating the 3 per cent. fund of the state of Indiana now on hand, and that may hereafter be received, to the benefit of the counties which have no public work passing through their territory, with leave to report by bill or otherwise.

And the question being on its adoption, and the ayes and noes being called for by Messrs. Henley and Blair,

*Those who voted in the affirmative were*

Messrs. Blair, Boon, Bowers, Brenton, Butler of Cass, Chrisman, Conner, Durbin, Elkins, Henley, Jones, Kile, Lucas, Mason, McCoy, McCrillis, Montgomery of Gibson, Montgomery of Warren, Morgan, Newell of White, Peck, Rawlings, Rose, Ross, Rulon, Runyan, Saylor, Sloan, and Walpole.—29.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blankenship, Bowles, Bradbury, Brown, Burgess, Burton, Butler of Vanderburgh, Byers, Carr, Champer, Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Dunbar, Farrington, Foote, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Kerr, Lancaster, Leslie, Matson,

McCulley, Miller, Newell of Fountain, North, Quick, Read, Rayburn, Ritchey, Rippey, Robbins, Robinson, Russell, Schoonover, Shanks, Shawhan, Shortridge, Smydth of Daviess, Smith of Fayette, Stanford, Strattan, Sweetser of Grant, Terrell, Welch, Wilson, Woodard and Mr. Speaker.—66.

So said resolution was not adopted.

Mr. Bowles offered the following preamble and resolution:

Whereas the following preamble and resolution were introduced into this house on Thursday the 10th inst., by Mr. Smydth of D.,

Whereas on this day certain members of this house entered their protest on the journals of the same against a resolution adopted on yesterday, on the subject of public printer, assigning as a reason for their protest, that said resolution had been referred to a select committee with instructions to enquire into and report the facts in relation to the same.

And whereas, the said select committee to which said resolution had been referred, did report upon every material fact embraced in said resolution, with reference to the same.

Therefore, resolved, that in fact there is not the least probable ground for such a reason as that assigned by the protesting members, inasmuch as the facts which the select committee set forth in their report, are established by the recorded proceedings of this house and by the records of the Marion circuit court.

Whereas Mr. McCoy moved the indefinite postponement of said resolution.

And the ayes and noes being demanded by Messrs. Smydth of D., and Burton.

*Those who voted in the affirmative were,*

Messrs. Boon, Bowers, Burton, Byers, Carr, Casey, Chrisman, Clark of F., Clark of T., Conwell, Dunbar, Kile, Lucas, McCoy, McCully, Newel of F., Newel of W., Read, Ritchey, Rippey, Saylor, Schoonover Shanks, and Mr. Speaker—24.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowles, Bradbury, Brenton, Brown, Burgess, Butler of V., Champer, Chiles, Clark of D., Coffeen, Cole, Coleman, Conner, Defrees, Dowling, Dunn, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Harding, Harrah, Harrison, Hiat, Houghton, Howe, Jencks, Jones, Kerr, Leslie, Mason, Matson, McCrillis, Miller, Montgomery of W., Morgan, North, Peck, Quick, Rawlings, Rayburn, Russell, Shawhan, Shortridge, Sloan, Smydth of D., Smydth of F., Standford, Stratton, Terrell, Welch, Wilson, and Woodard—69.

And whereas Mr. Walpole then moved to amend as follows:

Strike out all before and after the word resolved and insert the following:

“That it is the opinion of this house, that due and proper consideration was given by the select committee to whom was referred the resolution of this House on the subject of public printer, and that the conclusions set forth in the protest of W. A. Bowles and others are not the justified in the opinion of this House;”

When *Mr. Montgomery* of W. moved to lay the resolution with the pending amendments on the table.

And the ayes and noes being demanded thereon by *Messrs. Dowling* and *Smydth* of D.

*Those who voted in the affirmative were,*

*Messrs. Atherton, Blankenship, Boon, Bowles, Brenton, Brown, Burton, Butler, of C., Byers, Carr, Casey, Champer, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Coleman, Conwell, Dunn, Dunbar, Farrington, Freeman, Goodenow, Graham, Hamer, Henly, Kile, Lucas, Mason, McCoy, McCully, Miller, Montgomery of W., Morgan, Newel of F., Newel of W., Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Robinson, Rose, Ross, Saylor, Schoonover, Shanks, Standford, Sweetser of G., Sweetser of M., Walpole, Wilson, and Mr. Speaker—56.*

*Those who voted in the negative were,*

*Messrs. Ball, Blair, Bowers, Bradberry, Burgess, Butler of V., Chiles, Cole, Conner, Defrees, Dowling, Dunbar, Elkins, Foote, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Leslie, Matson, McCrillis, Montgomery of G., North, Rulon, Runyan, Russell, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stratton, Terrell, Welch, and Woodard—40.*

And the resolution was laid on the table.

Whereas on *Monday* the 14th, *Mr. Freeman* moved to reconsider the vote taken on *Thursday* last, upon laying the resolution offered by *Mr. Smydth* of D. on the table.

The vote was reconsidered.

And the question recurring, shall the resolution lie on the table?

It was decided in the negative.

When *Mr. Smydth* of D. asked leave to withdraw said resolution; which leave was granted by the house, and the resolution was withdrawn.

And the Speaker ordered that all the proceedings in relation to that matter, be taken from the journal of *Thursday* last.

Therefore, *Resolved*, That the decision of the Speaker, authorising any part of the proceedings of *Thursday* the 10th inst. to be stricken from the Journals of this House, is unwarranted by well established parliamentary usage, and in direct violation of the 9th section of the 3d article of the constitution of the state, which says: “each House shall keep a Journal of its proceedings, and publish them. The ayes and nays of the members, on any question, shall at the request of any two of them, be entered on the journals.

Mr. Smydth of D., moved to refer the preamble and resolution to a select committee,

Pending which question, Mr. Brenton moved to lay upon the table,  
And the ayes and noes being demanded by Messrs. Bowles and Burton,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Boon, Bradbury, Brenton, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Chiles, Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conner, Conwell, Dunn, Elkins, Farrington, Foote, Goode-now, Graham, Harding, Harrah, Hiatt, Howe, Jenckes, Kerr, Lancaster, Leslie, Matson, Miller, Montgomery of G., Montgomery of W., Newell of White, North, Rayburn, Robbins, Russell, Shawhan, Short-ridge, Stanford, Sweetser of Grant, Walpole, and Wilson.—49.

*Those who voted in the negative were,*

Messrs. Bowers, Bowles, Burton, Byers, Carr, Casey, Champer, Defrees, Dowling, Dunbar, Durbin, Hamer, Hanna, Harrison, Henley, Houghton, Jones, Kile, Lucas, Mason, McCoy, McCully, Morgan, Newell of Fountain, Peck, Rawlings, Read, Ritchey, Rippey Robinson, Rose, Ross, Rulon, Runyan, Saylor, Shanks, Sloan, Smydth of Davies, Smith of Fayette, Strattan, Terrell, Welch, Woodard, and Mr. Speaker.—13.

So the preamble and resolution were laid upon the table.

On motion of Mr. Lancaster,

*Resolved*, That the committee on Canals and Internal Improvements be directed to report a bill, embracing a complete system of receipt and disbursement of the Internal Improvement funds, so that the same may be made to pass through the books of the Auditor and Treasurer in the same manner as is provided by law for the receiving and disbursing the ordinary receipts and expenditures of the state.

Mr. Robinson offered the following resolution,

*Resolved*, That the select committee appointed on the subject of modifying the public works of Internal Improvements be instructed to inquire into the practicability and expediency of letting out contracts on any of said works, to individuals or companies, on condition of their completing the same and receiving six per cent. state bonds, at par therefor, payable at the usual time and in the usual manner, and if said project shall be found expedient and practicable, to report a bill proper for carrying it into effect.

Which was not adopted.

Mr. Walpole then moved to reconsider the vote taken on laying the preamble and resolutions offered by Mr. Bowles, upon the table,

Which motion prevailed; and the question recurring on laying the resolution upon the table,

Was decided in the negative.

Mr. Smydth of D., then moved to refer the preamble and resolutions to a select committee.

Mr. Champer also moved the following instructions:

“To inquire if those protesting members have not, by such protest, shown contempt to this House, and further, if the Speaker of this House did not invite an appeal from his decision.”

Mr. Clark of T., moved to amend the instructions as follows:

“And also to inquire whether the time at which the decision was made by the Speaker was not the proper time to test the sense of the House, as to the propriety of that decision, by taking an appeal therefrom, and also to inquire if the failure at the time to take such an appeal, was not equivalent to a unanimous acquiescence in the decision of the Speaker.”

Which was accepted by Mr. Champer, as a modification.

Mr. Clark of T., moved to amend the instructions by striking out the following words, “if those protesting members have not, by such protest, shown contempt to this House.”

Pending which question,

The House adjourned until 2 o'clock, *P. M.*

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*2 o'clock, P. M.*

The House met pursuant to adjournment.

The House went into consideration of the question pending at last adjournment, being on the amendment proposed to the instructions moved by Mr. Champer, by Mr. Clark of T.; when

Mr. Champer accepted the same as a modification.

The question then recurring on the reference to a select committee with the instructions as modified,

And the ayes and noes being demanded by Messrs. Ritchey and Saylor,

*Those who voted in the affirmative were*

Messrs. Ball, Blair, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of C., Butler of V., Champer, Chiles, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, Matson, McCrillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Peck, Quick, Rawlings, Rayburn, Robbins, Robinson, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford,

Strattan, Sweetser of G., Terrell, Walpole, Welch, Wilson, Woodard and Mr. Speaker.—73.

*Those who voted in the negative were*

Messrs. Boon, Bowles, Byers, Casey, Carr, Chrisman, Clark of F., Dunbar, Henley, Lucas, McCoy, McCully, Newell of F., Read, Ritchey, Rippey, Rulon, Saylor.—19.

So said motion was decided in the affirmative.

Ordered that Messrs. Defrees, Smith of F., and Matson be said committee.

A message from the Governor by Mr. Moore, his private secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has on this day approved and signed an act entitled An act authorizing a special term of the Putnam Circuit Court, Which originated in the House of Representatives.

On motion,  
The House adjourned until to-morrow morning 9 o'clock.

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SATURDAY, Dec. 19th, 1840.

The House met pursuant to adjournment.

Mr. Butler of C., made the following report from the committee on Enrolled Bills:

MR. SPEAKER:

The joint committee on Enrolled Bills report, that they have compared the engrossed with the enrolled bills which originated in the House of Representatives, of the following titles, to wit:

No. 3, an act to stop the per diem compensation of members of the General Assembly of the State of Indiana, in certain cases therein mentioned.

No. 8, an act to amend an act approved February 24th, 1840, entitled "an act relating to State roads."

No. 39, an act to authorize the collection of the State and county revenue for the year 1839, for the county of Dubois;

And find them truly enrolled.

Whereupon the Speaker signed the same.

Ordered, that the Clerk carry them to the Senate for the signature of their President.

The Speaker announced the appointment of the following select committee, upon the resolution offered by Mr. Jones on Thursday last, viz:

Messrs. Jones, Morgan, Rawlings, Sloan, and Montgomery of Warren.

The Speaker also announced the appointment of the following standing committee on Public Expenditures:

Montgomery of W., Lancaster, Hanna, Kerr, Bowers, Conwell, and Coleman.

A message from the Senate by Mr. Maguire their Secretary:

**MR. SPEAKER:**

The Senate has passed a joint resolution thereof entitled, No. 21, a Joint Resolution of the General Assembly of the State of Indiana, in relation to the selection of lands for the Wabash and Erie canal.

In which I am requested to ask the concurrence of the House of Representatives.

The joint resolution named in the message, was read the first and second times, the rules being dispensed with, and,

On motion of Mr. Mason,

Referred to a select committee of Messrs. Hanna, Rayburn, and Graham.

The following message was also received from the Senate by Mr. Maguire their Secretary:

**MR. SPEAKER:**

The Senate has passed an engrossed bill of the Senate, entitled, No. 9, a bill for the establishment of a certain State road therein named;

In which I am directed to ask the concurrence of the House of Representatives.

No. 9, named in the message, was read the first time, and passed to a second reading on Monday next.

Mr. Butler of C., made the following report from the committee on Enrolled Bills:

**MR. SPEAKER:**

The joint committee on Enrolled Bills have compared the following engrossed bill of the Senate with the enrolled thereof, and find the same correctly enrolled;

No. 2, an act for the relief of John S. Reed.

Whereupon the Speaker signed the same.

Ordered, that the Clerk inform the Senate thereof.



Mr. Butler of V., presented the petition of Hugh and Robert Stewart, and moved its reference to the committee on Canals and Internal Improvements, with power to send for and examine persons and papers, and with instructions to permit the petitioners and their counsel, and also the Commissioners of Internal Improvements, or their counsel, to appear before said committee, examine witnesses, &c.

Mr. Dunn moved to amend the instructions as follows:

“And that all expenses incurred in said examination of witnesses, &c., shall be paid by the petitioner.”

Which was accepted by Mr. Butler; when,

On motion of Mr. Freeman,

The petition and instructions were laid upon the table.

Mr. Byers presented the petition of Mrs. Elizabeth Hughes; which was referred to the Judiciary committee.

Mr. Matson made the following report from the Judiciary committee:

Mr. SPEAKER:

The committee of the Judiciary to whom was referred a bill of the House, No. 24, entitled “a bill to amend the practice in suits in chancery,” have had the same under consideration and instructed me to report the same back with the following amendments:

1st. Strike out the following words in the first section, to wit: “At such place in said county as may by them be designated,” and insert the following, to wit: “At the usual place of holding courts in said county.”

2d. Also to insert an additional section, to wit:

Section 7th. That all suits in chancery which have heretofore been transferred from any Circuit Court in this State to the Supreme Court, on account of the disability of the President Judge of such Circuit Court to try the same, and in which cases decrees have not been rendered by the supreme Court, may, by the consent of both parties, be sent back with all papers therein, to the Circuit Court from which they were transferred, and shall thereupon be tried agreeably to the provisions of this act.

The committee with these amendments recommend the passage of the bill.

Mr. Smith of F., moved to concur in the report and in the amendments made to the bill by the committee, with the following amendment:

Strike out the words “at the usual place of holding courts in said county,” in the first amendment of the committee, and insert “at such place at the county seat of said county as they may designate,” which was agreed to;

And the bill named in the report was ordered to be engrossed for a third reading on Monday next.

Mr. Matson also made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred a resolution of the House, instructing an inquiry into the expediency of repealing so much of the act regulating the practice in suits at law, as requires bail in all actions of debt and cases founded on any writing for the payment of money, and in actions of covenant, and requiring an affidavit as in other cases—and also to inquire into the expediency of abolishing the writ of *capias ad satisfaciendum*—have had that subject under consideration and directed me to report, that it is inexpedient to legislate upon this subject.

Which report was concurred in.

Mr. Rulon made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a resolution, instructing them “to inquire into the expediency of so amending the act regulating the fees and salaries of the several officers and persons therein named, approved Feb. 7, 1831, that the whole amount allowed to petit jurors, shall hereafter be taxed against the parties litigant as other costs, and to be collected accordingly,” have had the same under consideration and finding the amendment proposed by said resolution inexpedient, have instructed me to report accordingly, and ask that the committee be discharged from the further consideration of said resolution.

The report was concurred in, and the committee discharged accordingly.

Mr. Robbins made the following report from the judiciary committee:

MR. SPEAKER:

The committee on the judiciary to whom was referred the memorial of William Perdue; showing that said Perdue, as collector of Washington county, has not been allowed a credit by the state, for certain delinquent lists for the years 1838 and 1839, and praying relief, have had the same under consideration, and have directed me to report. That from said memorialists own showing, no lists of delinquent taxes for the years 1838 and 1839, were filed in the clerks office of said county, until the month of September 1840. It is required of collectors, to make out and file in the clerks office of their respective counties, lists of delinquent taxes, before the first Monday in December in each year. This duty the said Perdue failed to discharge, for nearly two years after the time appointed by law. It is therefore the opinion of your committee, that by the unusual delay of said Perdue in filing the said lists of delinquencies, as in his memorial is shown, he has forfeited all claim to any allowance therefor; and that it is inexpedient to legislate further upon the subject.

On motion of Mr. Schoonover,  
The memorial and report were laid upon the table.  
M. Brenton made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a bill of the House "to amend an act entitled, an act regulating the fees and salaries of the several officers and persons therein named, approved Feb. 7, 1831," have had the same under consideration, and directed me to report the same back to the House, with sundry amendments, in which they ask the concurrence of the House, and with the amendments recommend the passage of the bill.

AMENDMENTS.

1st. In the fifth line of the first section, strike out "one dollar," and insert seventy-five cents.

2d. In the fourth line of the second section, strike out fifty, and insert twenty-five.

3d. In the fourth line of the third section, strike out "fifty," and insert twenty-five.

4th. Strike out all of the third section, after the word cents in the fourth line.

Which several amendments were concurred in.

Mr. Walpole moved to recommit the bill, with instructions to inquire into the expediency of making the state liable for costs, in all cases, in which the state is a party—and fails in the prosecution of the case.

Which was decided in the negative.

Mr. Morgan proposed the following amendment;

That witnesses before justices, be allowed the same mileage as constables are allowed when subpœnaed to attend before justices out of their own township;

Which amendment was adopted.

When Mr. Casey moved to lay said bill and amendments upon the table;

And the ayes and noes being demanded thereon by Messrs. Morgan and Jones.

*Those who voted in the affirmative were,*

Messrs. Ball, Blair, Boon, Brown, Burton, Butler of Cass, Butler of V. Byers, Casey, Champer, Chiles, Clark of T. Cole, Coleman, Conwell, Defrees, Dunbar, Dunn, Elkins, Farrington, Graham, Hanna, Henley, Hiatt, Houghton, Howe, Jenckes, Lancaster, Lucas, Mason, Matson, M'Coy, M'Crillis, Montgomery of G. Newell of W. Rowlings, Read, Rippey, Robbins, Rose, Russell, Saylor, Schoonover, Shawhan,

Shortridge, Smydth of D. Smith of F. Stanford, Stratton, Sweetser of G. Walpole, Welch, Wilson and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Atherton, Blankenship, Bowers, Bowles, Bradbury, Brenton, Burgess, Carr., Chrisman, Clark of D. Clark of F. Coffeen, Conner, Dowling, Durbin, Foote, Freeman, Goodenow, Hamer, Harding, Harrah, Harrison, Jones, Kerr, Kile, Leslie, M'Cully, Miller, Montgomery of W. Morgan, Newell of F. Peck, Quick, Rayburn, Robinson, Ross, Runyan, Shanks, Terrell and Woodard—40.

So said bill and amendments were laid upon the table.

Mr. Howe made the following report;

MR. SPEAKER:

The committee on the judiciary, to which was referred the resolution adopted by the House, directing them to inquire into the expediency of abolishing the "existing probate system," and establishing in lieu thereof, circuits, each having a judge elected by joint ballot of both branches of the General Assembly, have instructed me to report the following bill,

No. 46, entitled "an act to amend an act entitled an act to organize probate courts, and defining the powers and duties of executors, administrators and guardians," approved, February 17, 1838, and for other purposes;

Was read the first time, and passed to a second reading on Monday next.

Mr. Robbins made the following report.

MR. SPEAKER,

The committee on the judiciary to whom was referred a resolution of the House, instructing said committee to inquire into the expediency of amending an act, entitled "an act to prohibit the issuing or circulating of small notes, commonly called shin plasters," approved February 24, 1840; have had the same under consideration, and have directed me to report the following bill;

No. 47, entitled a bill supplemental to an act entitled an act to prohibit the issuing and circulating of small notes commonly called "shin plasters," approved February 24, 1840.

Which was read the first time, and passed to a second reading on Monday next.

Mr. Clark of T. made the following report:

MR. SPEAKER,

The committee on Education, to whom was referred the petition of George C. Whiteman and others, citizens of Jay county, praying the

passage of a special act, to authorize the sale of certain school lands in said county of Jay, have considered the same, and have instructed me to report a bill in pursuance of the prayer of the petitioners;

No. 48, entitled a bill to authorize the sale of certain school lands, in the county of Jay.

Which was read the first time, and passed to a second reading on Monday next.

Mr. Clark of T. also made the following report;

MR. SPEAKER:

The committee on Education, who were instructed by a resolution of the House, to inquire into the expediency of amending the school law, so as to authorize and require the school commissioners of the several counties of this state, to make a distribution, to the township treasurers of their respective counties, on the first Mondays in March and September of each year, of all the interest paid into their hands, by the agents of the surplus revenue, have considered the subject and have directed me to report; that the 13th section of the act to provide for the distribution of the surplus revenue, provides that the agents of the surplus revenue shall pay over to the school commissioners on the first Mondays of March and September, the interest in their hands, and directs the school commissioners to pay the same over to the township treasurers; and therefore, in their opinion further legislation is unnecessary, they ask to be discharged from the further consideration thereof.

Which was concurred in, and the committee discharged from the further consideration thereof.

On motion of Mr. Montgomery of G.

*Resolved*, That the Sergeant-at-Arms be instructed to inquire of David Wallace late Governor of Indiana, whether he has submitted the report of Dr. Haymond, referred to in his message to the Senate and House of representatives, and if not, to ascertain at what time the same will be submitted, or where the same may be found; as the committee are anxious to obtain information contained in that report:

Mr. Freeman made the following report;

MR. SPEAKER:

The committee to which was referred the following resolution:

*Resolved*, That a committee of three members of this House, be appointed to inquire into the expediency of constituting by law, the Secretary of state, Auditor of public accounts, and state Treasury, a board of commissioners on the part of this state, whose duty it shall be to purchase all necessary paper, books and stationery of every kind, lights, and fuel for the use of the state, from year to year; and to contract for the distribution of the laws and journals, with leave to report by bill or otherwise; have had the same under consideration, and have directed me to report the following bill;

No. 49, a bill the better to provide for annual supplies of paper, stationary, light and fuel for state purposes.

Which was read the first time, and passed to a second reading on Monday next.

Mr. Cole made the following report;

**MR. SPEAKER:**

The select committee, consisting of the representatives from the county of Dearborn, to inquire into the propriety of amending the act, entitled an act, to amend and revise the act, entitled an act to incorporate the several townships in Dearborn county, have had the same under consideration, and directed me to report the following bill.

No. 50, an act to amend an act, entitled an act to amend and revise the act, entitled an act to incorporate the several townships in the county of Dearborn, approved February 1st, 1834.

Which was read the first time, and passed to a second reading on Monday next.

The Speaker laid before the House a report from the Auditor of public accounts, in answer to a resolution of this House,

Which was referred to the committee of ways and means.

On motion of Mr. Robinson,

*Resolved*, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency and practicability of letting out the unfinished contracts, and other portions of such of the public works, whose state of forwardness and anticipated profitableness appear to justify their speedy completion, to individuals or companies at the present estimated prices; on condition that said companies or individuals will bind themselves to complete the same within three years, and receive in payment therefor six per cent. bonds of the state of Indiana at par; payable in the usual time, and receive a pledge of one third of the gross income of said works when completed, for the payment of the accruing interest thereon; the state reserving to herself the exclusive control of said works, when completed; with leave to report by bill or otherwise.

On motion of Mr. Butler of V.,

*Resolved*, That the board of Internal Improvements report to this House a copy of the rules or specifications\* exhibited to H. & R. Stewart at the time when H. & R. Stewart proposed for and took their contracts on the southern division of the Central Canal on sections No. 120, 121, 122, 123, 124, and 125.

On motion of Mr. Dunn,

*Resolved*, That the committee of ways and means be instructed to inquire into the necessity of so amending the revenue law, as to revive the 8th and part of the 9th sections of the law passed and approved February 10th, 1831, and repealing all laws now in force, directing the delinquent lands to be certified to the school commissioner, &c.; also to authorize the collection of a poll tax, from every man 21 years of age and upwards.

On motion of Mr. Runyan,

*Resolved*, That a select committee be appointed whose duty it shall be to inquire into the expediency of so amending the law as to make it the duty of the inspectors of elections of each township, immediately after the April election in each year, to make out and deliver to each supervisor and constable elected in their township a certificate of their election, and to repeal so much of the law now in force as makes it the duty of the sheriffs to deliver such officers their certificates; with leave to report by bill or otherwise.

Messrs. Runyan, Sweetser of Grant and Rayburn.

On motion of Mr. Blair,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of so amending an act entitled "An act establishing a county Treasurer," approved January 8th, 1831, as to compel pedlars of Foreign merchandise to pay a definite and fixed license for a term of time not less than three months before they shall be permitted to vend foreign merchandise in any county in this state; and that said committee be instructed to report by bill or otherwise.

On motion of Mr. Blankenship,

*Resolved*, That the committee on Elections be instructed to inquire into the propriety of so amending the 6th section of the election law, as to subject minors voting to the penalties, of the said section.

On motion of Mr. Read,

*Resolved*, That the committee on the State Prison be instructed to inquire into the expediency of reporting a bill to this House providing for the election (by joint ballot of both Houses) of chaplain to said State Prison.

On motion of Mr. Hiatt,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of receiving 5 and 50 dollar Treasury notes in payment for Canal lands; with leave to report by bill or otherwise.

Mr. Henley offered for consideration the following resolution,

*Resolved*, That the discussion of questions of a national character and which cannot legitimately come before the state legislature for its action is a needless and improvident waste of time, and an extravagant expenditure of money inconsistent with the principles of economy, and uncalled for either by the interests of the country or the wishes of the people.

When, Mr. Clark of T. moved to lay said resolution on the table,

And the ayes and noes being demanded thereon by Messrs. Henley and Freeman,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Boon, Bradbury, Brenton, Brown, Burgess, Butler of C., Butler of V., Casey, Champer, Clark of F. Clark of T., Coffeen, Cole, Coleman, Defrees, Durbin, Farrington, Foote, Freeman, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison,

Hiatt, Houghton, Howe, Jenckes, Kerr, Lancaster, Leslie, *Mason*, *Matson*, *McCullis*, *Montgomery of G.*, *Montgomery of W.*, *Morgan*, North, Peck, Quick, Rawlings, Rayburn, Robinson, Rose, Ross, Shawhan, Shortridge, Smydth of D., Stanford, Strattan, Sweetser of Grant, Terrell, Walpole, Welch, Wilson and Woodard.—60.

*Those who voted in the negative were*

Messrs. Blankenship, Bowers, Bowles, Burton, Byers, Carr, Chiles, Chrisman, Clark of D., Conner, Dunn, Dunbar, Graham, Henley, Jones, Lucas, *McCoy*, *McCully*, Newell of F., Read, Ritchey, Rippey, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks and Mr. Speaker.—28.

So said resolution was laid upon the table.

Mr. Coleman offered the following preamble and resolutions:

Whereas, The apathy and indifference manifested by the President of the United States in relation to the further prosecution and completion of the Cumberland Road through the Western states, is matter of deep regret and disappointment to the citizens of this state.

And Whereas, The Congress of the United States by refusing to make appropriations has manifested a disposition to abandon the further prosecution of this great National thoroughfare.

And Whereas, A failure to complete the said road will be a violation of that good faith which should be held sacred between the Federal Government and the states through which it passes.

And Whereas, It is the opinion of this House that an abandonment of the Cumberland road by the General Government will be a violation of the compact made with this state and her citizens,

Therefore *Resolved*, That the claims of the State of Indiana upon the Government of the United States for the completion of the Cumberland road in due time, and in good faith, be insisted upon.

*Resolved*, That a select committee be appointed to report a memorial or joint resolutions to Congress upon the subject.

Mr. Boon moved to amend the preamble by striking out the words "President of the United States" and insert in lieu thereof "Henry Clay."

Mr. Conner proposed to amend the amendment by striking out the words "Henry Clay," and insert in lieu thereof "the General Government."

Which was not adopted.

Mr. Dunn moved to lay the preamble and resolutions with the pending amendments on the table;

Which motion was decided in the negative.

Mr. Walpole called for a division of the question, (being on striking out.)

And the ayes and noes, being demanded by Messrs. Burton and Saylor.



*Those who voted in the affirmative were,*

Messrs. Atherton, Boon, Bowles, Brown, Burton, Byers, Carr, Casey, Chrisman, Clark of F., Clark of T., Conner, Dunbar, Durbin, Graham, Henley, Lucas, McCoy, McCulley, Newell of F., Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, Shanks,—27.

*Those who voted in the negative were,*

Messrs. Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Burgess, Butler of C., Butler of V., Champer, Chiles, Clark of D., Coffeen, Cole, Coleman, Conwell, Defrees, Dunn, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, Matson, McCrillis; Miller, Montgomery of G., Montgomery of W., Morgan, Newel of W., North, Peck, Quick, Rawlings, Reyburn, Robinson, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Smydth of D. Stanford, Stratton, Sweetser of G., Terrell, Walpole, Welch, Wilson, Woodard, and Mr. Speaker,—67.

So the house refused to strike out.

Mr. Brenton moved to strike out the preamble,

Pending which motion,

Mr. Freeman moved to lay the preamble and resolutions on the table.

Which was decided in the negative.

The question then recurred on striking out the preamble.

And the ayes and noes being demanded by Messrs. McCoy and Burton.

*Those who voted in the affirmative were,*

Messrs. Ball, Blair, Blankenship, Boon, Bowers, Bowles, Brenton, Burton, Butler of C., Byers, Carr, Casey, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Conner, Conwell, Dunn, Dunbar, Durbin, Farrington, Foote, Freeman, Graham, Hiat, Houghton, Howe, Kerr, Lucas, Matson, McCoy, McCully, Miller, Newel of F., North, Rawlings, Read, Ritchey, Rippey, Rose, Rulou, Saylor, Schoonover, Shanks, Shortridge, Standford, and Stratton—50.

*Those who voted in the negative were,*

Messrs. Atherton, Bradbury, Brown, Burgess, Butler of V., Champer, Chiles, Coleman, Defrees, Goodenow, Hanna, Hamer, Harding, Harrah, Harrison, Jenckes, Jones, Kile, Lancaster, Leslie, Mason, McCrillis, Montgomery of G., Montgomery of W., Morgan, Newel of W., Peck, Rayburn, Robinson, Runyan, Russell, Shawhan, Smydth of D., Sweetser, of G., Terrell, Walpole, Welch, Woodard, and Mr. Speaker—39.

So said preamble was stricken out, and the resolution adopted.  
And Messrs. Coleman, Brenton, and Shawhan were appointed said committee.

On motion,

The house adjourned until Monday morning, 9 o'clock.

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MONDAY, DEC. 21st, 1840.

The House met pursuant to adjournment.

The Speaker laid before the House a report from the Treasurer of State;

Which was referred to the committee on Education.

Mr. Boon presented the petition of Orson Willard, relative to the last will and testament of Thomas A. Willard;

Which was read and referred to the Judiciary committee.

Mr. Shanks made the following report from the committee on Engrossed Bills:

Mr. SPEAKER,

The committee on Engrossed Bills have compared the original bill of the House, No. 24, a bill to amend the practice in suits in chancery, as reported and amended by the Judiciary committee, and find the same correctly engrossed.

Mr. Mason moved a reconsideration of the vote taken on Saturday last, upon laying upon the table the petition of H. and R. Stewart;

Which was agreed to; and the petition taken up.

And the question recurring, Shall the petition be laid upon the table? it was decided in the negative; when,

On motion,

The petition was referred to the committee on Canals and Internal Improvements.

Mr. Read presented the petitions of B. Hensley, A. C. Hensley, Benj. Hensley, jun., and sundry citizens of the town of Jeffersonville and vicinity, relative to the State prison;

Which was referred to the committee on the State Prison.

On motion of Mr. McCrillis,

Mr. Zenor was excused from serving on the Apportionment committee in consequence of indisposition; and Mr. Leslie was added to said committee to supply the place of Mr. Zenor.

Mr. Lancaster asked and obtained leave of absence for Mr. Hiatt, in consequence of the indisposition of his family.

Mr. Wilson presented the petition of William Campbell of Montgomery county;

Which was read and referred to the committee on Canals and Internal Improvements.

Mr. Matson made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred the petitions of Simon S. Wiseman, John Teel, and Philip Dotson, respectively, asking to be divorced from their wives, have had the same under consideration, and directed me to report: That they consider it extremely doubtful whether the legislature has the constitutional power to annul a marriage contract in any case; and that they believe the refusal of the legislature for the last few years to grant divorces by special enactment, has caused no injury or injustice to any one, while it has prevented the evils which must result in many cases, where these most solemn contracts are dissolved upon no other evidence than *ex parte* statements, and without any of the ordinary tests of the truth of testimony.

The courts of the country in which all the facts of each case may be fully examined, are clothed with such ample powers, to divorce those who are galled by the yoke of matrimony, that by applying to those tribunals, all can be relived who are entitled to relief, and many, we fear who are not.

The committee see nothing in the facts set forth in these petitions to warrant the special interference of the legislature, even were the power to do so conceded. The petitioners are all husbands, and ask to be divorced on account of their abandonment by their wives. When two years shall have elapsed, they have each a plain remedy in the courts, if such abandonments were without cause as alleged—facts which should be known before relief is granted, and which the courts can better ascertain *with* testimony than we can *without* it.

For these reasons the committee think legislation on the subject is inexpedient.

Which was concurred in.

Mr. Walpole from the judiciary committee made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred bill No. 35 of the house of representatives entitled “a bill to amend an act entitled an act regulating the practice in chancery,” approved Feb. 10, 1831; have acceded to order, had the same under consideration and have instructed me to report the same back to the house and recommend its passage.

Which report was concurred in and the bill therein named, was ordered to be engrossed for a third reading on to-morrow.

Mr. Rulon made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred a resolution instructing them "to enquire into the expediency of repealing the law now in force subjecting persons to a fine that may pass any bank bill of a less denomination than five dollars, have had the same under consideration and have instructed me to report that they consider it inexpedient to legislate any further upon the subject and ask to be excused from the further consideration thereof.

Mr. Conwell moved to recommit the resolution and report back to the same committee;

When on motion of Mr. Matson, the resolution and report were laid upon the table.

Mr. Butler of C. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report, that they did on Saturday, present to his excellency, the Governor, for his approval and signature, the following entitled act, which originated in the Senate:

No. 5. An act for the relief of John S. Reed.

Mr. Brenton made the following report.

MR. SPEAKER:

The committee on the judiciary to whom was referred a resolution of this House, instructing them to inquire into the expediency of reducing the time for which apprentices shall be bound to serve, and more especially of those bound out by the overseers of the poor, and by guardians, have had that subject under consideration, and have instructed me to report that legislation on that subject is inexpedient, and ask to be discharged from its further consideration.

Which was concurred in-

Mr. Matson made the following report;

MR. SPEAKER:

The committee on the Judiciary to whom was referred a resolution of the House, directing an inquiry into the expediency of reviving the laws authorizing the stay of execution, in force before the passage of an act to amend an act subjecting real and personal estate to execution, approved February 4th, 1838, and which amendatory act was approved February 24th, 1840; have had that subject under consideration, and have directed me to report the following bill:

No. 51, Entitled, a bill to revise certain acts relative to a stay of execution,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Howe made the following report:

Mr. SPEAKER,

The select committee to which was referred the petition of Victor M. Cole, praying to be refunded sixty dollars of Treasury Notes, consumed by fire, have instructed me to report that they are satisfied by the proof offered them that the said Cole has lost the sum of sixty dollars in Treasury Notes by fire, and therefore report the following bill for his relief,

No. 52; A bill for the relief of Victor M. Cole,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Hanna made the following report:

Mr. SPEAKER:

The select committee to which was referred a joint resolution of the Senate, in relation to the selection of land for the Wabash and Erie Canal, have had the same under consideration and have directed me to report it back to the House, without amendment, and request the House to adopt the same.

Joint resolution No. 21 of the Senate, entitled, "a joint resolution of the General Assembly of the State of Indiana in relation to the selection of lands for the Wabash and Erie Canal,"

Was read the third time and passed.

Ordered that the Senate be informed thereof.

On motion of Mr. Robinson,

*Resolved*, That the committee on elections be instructed to inquire into the necessity of providing by law for the election of members of Congress, at an earlier day than the first Monday of August, in the event of a called session of Congress in this or any other future year.

On motion of Mr. Howe,

*Resolved*, That Jesse L. Williams, Esq., Chief Engineer, be requested to report to this House, at his earliest convenience, whether the Michigan and Erie Canal, from the feeder in Noble county, to its intersection with the Wabash and Erie Canal, will be advantageous or necessary for the furnishing of a sufficient supply of water for such last named canal, and if advantageous only, at what time it will become so, and to what extent, and under what circumstances, and if necessary in like manner, at what time, to what extent and under what circumstances.

On motion of Mr. Brown,

*Resolved*, That the committee on Federal Relations be instructed to prepare and report a memorial to Congress, asking a further appropriation of money from the Treasury of the United States, to be expended

on the harbor at Michigan City, on Lake Michigan, in the state of Indiana.

Mr. Dunn introduced a joint resolution No. 53, relative to the contract with the Morris Canal and Banking Company, for rail road iron, made by the Fund Commissioner, Milton Stapp,

Which was read the first and second times (the rules being dispensed with,) when,

Mr. Robinson moved its reference to the committee on canals and internal improvements,

Which motion was decided in the negative.

Mr. Butler of V., moved that the rules be suspended and the joint resolution be read a third time now.

Mr. Smydth of D., moved its reference to a select committee;

Which motion was decided in the negative.

Mr. Clark of T., moved to strike out of the joint resolution the following words, "but shall expect and require it to be paid in bar iron of different sizes, and of the most saleable character;"

Which was decided in the affirmative.

And the question recurring on the motion of Mr. Butler of V., to dispense with the rules, and read the joint resolution a third time now, and the ayes and noes being demanded thereon by Messrs. Robinson and Ritchey,

*Those who voted in the affirmative were,*

Messrs. Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Chamber, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Dowling, Dunn, Dunbar, Durbin, Farrington, Foote, Freeman, Graham, Hamer, Hanna, Harrah, Harrison, Henly, Houghton, Howe, Jones, Kerr, Kile, Lancaster, Leslie, McCrillis, McCully, Miller, Montgomery of W., Morgan, Newell of W., North, Peck, Read, Rayburn, Rippey, Rose, Ross, Russell, Schoonover, Shanks, Shawhan, Shortridge, Stratton, Walpole, and Wilson—62.

*Those who voted in the negative were,*

Messrs. Atherton, Boon, Bowles, Brenton, Chiles, Chrisman, De-frees, Elkins, Goodenow, Harding, Jenckes, Lucas, Mason, Matson, McCoy, Montgomery of G., Newell of F., Quick, Ritchey, Robinson, Runyan, Saylor, Smydth of D., Smith of F., Stanford, Sweetser of G., Terrell, Welch, Woodard, and Mr. Speaker—30.

So the rules were suspended, and the joint resolution was read a third time, and the question being on its passage, and the ayes and noes being demanded thereon by Messrs. Robinson and Bowles,

*Those who voted in the affirmative were,*

Messrs. Ball, Blair, Blankenship, Boon, Bowers, Bradbury, Brenton,

Brown, Burgess, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Champer, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin, Farrington, Foote, Freeman, Graham, Hamar, Hanna, Harrah, Harrison, Houghton, Howe, Jones, Kerr, Kile, Lancaster, Leslie, McCrillis, McCully, Montgomery of W., Morgan, Newell of W., North, Peck, Rippey, Rose, Ross, Rulon, Russell, Schoonover, Shanks, Shawhan, Shortridge, Stratton, Walpole, and Wilson—63.

*Those who voted in the negative were,*

Messrs. Atherton, Bowles, Chiles, Chrisman, Elkins, Goodenow, Harding, Henley, Jenckes, Lucas, Mason, Matson, McCoy, Miller, Montgomery of G., Newell of F., Quick, Rayburn, Ritchey, Robinson, Read, Runyan, Saylor, Smydth of D., Smith of F., Stanford, Sweetser of G., Terrell, Welch, Woodard, and Mr. Speaker—31.

So said joint resolution passed.

Ordered, that the Senate be informed thereof; and

On motion,

The House adjourned until two o'clock P. M.

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*2 o'clock P. M.*

The House met pursuant to adjournment.

The Speaker laid before the House a communication from His Excellency the Governor, relative to a resolution of the legislature of the State of Vermont;

Which was read and referred to the committee on Federal Relations.

Mr. Dunbar moved to re-consider the vote of this morning on the passage of the joint resolution No. 53;

Which was decided in the negative.

Mr. Butler of C., made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report, that they did this day present to His Excellency the Governor, for his approval and signature, the following entitled acts, which originated in the House of Representatives, to wit:

No. 3, an act to stop the per diem compensation of the members of

the General Assembly of the State of Indiana, in certain cases therein named.

No. 8, an act to amend an act approved February 24th, 1840, entitled "an act relating to State roads."

No. 39, an act to authorize the collection of the State and county revenue for the year 1839, for the county of Dubois.

#### INTRODUCTION OF BILLS.

Mr. Walpole introduced a bill No. 54, entitled "A bill requiring plaintiffs in vexatious suits to give security for costs."

Mr. Chiles introduced a bill No. 55, for the relief of John W. Cunningham, late collector of Putnam county.

Mr. Lucas introduced a bill No. 56, to authorize and regulate congressional township libraries.

Mr. Runyan introduced a bill No. 57, to locate a State road therein named.

Mr. Butler of V., introduced bill No. 58, locating a State road from Evansville, Vanderburgh county, to Petersburg, Pike county, and other purposes.

Mr. Robinson introduced a bill No. 59, to incorporate the Madison Law library society.

Mr. Walpole introduced a bill No. 60, authorizing the issuing of a special writ of Distringas in certain cases.

Which were severally read the first time and passed to a second reading on to-morrow.

#### ORDERS OF THE DAY.

On motion of Mr. Smith of F.,

The special order of the day, being the consideration of a resolution offered by Mr. Smydth of D., was postponed and made the order of the day for Monday, the fourth of January, 1841.

No. 5, a bill of the Senate, to repeal an act entitled "an act to provide for a more uniform mode of doing township business in the county of Randolph," approved January 21st, 1839.

No. 2, engrossed bill of the House, to regulate the practice in suits at law.

No. 20, engrossed bill of the House, to authorize the board of commissioners and the probate court of Jackson county, to hold the sessions of their respective courts in the Clerk's office of said county.

No. 21, engrossed bill of the House, to incorporate the Owen county band at Gosport.

No. 22, engrossed bill of the House, to provide for a more uniform mode of doing township business in the county of Elkhart.

No. 23, engrossed bill of the House, to amend an act entitled "an act providing for the recording of mortgages on personal property."



No. 24, engrossed bill of the House, to amend the practice in suits in chancery.

No. 29, engrossed bill of the House, to provide for a more uniform mode of doing township business in the counties of Lagrange, Steuben, DeKalb and Noble.

No. 34, engrossed bill of the House, repealing so much of an act approved February 24th, 1840, as relates to Union county.

Which were severally read a third time and passed.

Ordered, that the Senate be informed thereof.

#### BILLS ON THE FIRST READING.

Bills of the House No. 36, for the relief of the children of Walter Slawter;

No. 37, to vacate the town plat of the village of Charlottesville, in the county of Kosciusko, Indiana;

Were read the second time and ordered to be engrossed for a third reading on to-morrow.

No. 38, an act to amend an act entitled "an act for the prevention of frauds and perjuries," approved January 24th, 1831, was read the second time, and,

On motion of Mr. Boon,

Was indefinitely postponed.

No. 40, a bill to lessen the per diem allowance of members of the General Assembly, and other officers of the State, was read the second time, and,

On motion of Mr Smydth of D.,

Was indefinitely postponed.

No. 41, a bill to locate a State road from Marion, Grant county, to Indianapolis. was read the second time and referred to the committee on Roads.

No. 42, a bill for the relief of William Trulock, was read the second time, and,

On motion of Mr. Mason,

Was amended by striking out so much thereof as required its publication in the Indiana Journal.

When said bill was ordered to be engrossed for a third reading on to-morrow.

No. 43; A bill to amend an act defining and regulating privileges;

Which was read a second time and referred to the committee on the judiciary.

#### ENGROSSED BILLS OF THE SENATE.

No. 8; A bill fixing the time of holding the probate courts of Marion county and for other purposes,

Which was read a second and third time, the rules being suspended, and passed.

No. 10; A bill concerning clerk's fees,

Which was read a second time and referred to the judiciary committee.

No. 11; A bill to amend the act entitled "an act to incorporate county Libraries," approved February 17, 1838,

Which was read a second time and ordered to a third reading on to-morrow.

#### BILLS OF THE HOUSE.

No. 44; making contestors of elections liable for costs,

Which was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 45; To amend an act entitled "an act regulating the jurisdiction and duties of Justices of the Peace," approved February 17th, 1838,

Which was read a second time, and referred to the judiciary committee.

No. 46; To amend an act entitled "an act to organize probate courts, and defining the powers and duties of executors, administrators and guardians," approved February 17, 1838, and for other purposes,

Which was read a second time, when,

Mr. Mason moved that it be indefinitely postponed,

And the ayes and noes being called for by Messrs. Boon and McCrillis,

#### *Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blankenship, Boon, Bowers, Bowles, Bradbury, Brown, Burgess, Butler of Cass, Byers, Carr, Chiles, Chrisman, Clark of Fountain, Clark of Tippecanoe, Coffeen Conwell, Durbin, Foote, Graham, Hamer, Hanna, Harding, Harrah, Henley, Kerr, Lancaster, Leslie, Lucas, Mason, McCulley, Miller, Montgomery of G., Montgomery of W., Newell of Fountain, Newell of White, Peck, Quick, Rawlings, Read, Rayburn, Rippey, Robinson, Rose, Ross, Russell, Saylor, Schoonover, Shanks, Shortridge, Sloan, Smith of F., Stanford, Strattan, Sweetser of Grant, Terrell, Welch, Wilson, and Woodard.—60.

#### *Those who voted in the negative were*

Messrs. Blair, Brenton, Butler of Vanderburgh, Casey, Champer, Clark of Dearborn, Cole, Defrees, Dunn, Dunbar, Freeman, Houghton, Howe, Jones, Matson McCoy, McCrillis, Morgan, North, Rulon, Runyan, Shawhan, Smydth of Daviess, Walpole, and Mr. Speaker.—25.

So said bill was indefinitely postponed.

No. 47; Supplemental to an act entitled an act to prohibit the issuing and circulating small notes, commonly called shin-plasters," approved Feb. 24, 1840,

Which was read a second time, when,

Mr. Smith of F., moved to amend by inserting after the word "persons" in the third line of the first section, the words "or any body politic or corporate, other than the State Bank of Indiana;"

Which was adopted.

Mr. Robinson then moved to amend by striking out the bill from the enacting clause, and inserting a substitute, which was read,

Pending which question,

Mr. Chiles moved to lay the bill and amendment on the table,

Which motion prevailed.

No. 48; "To authorize the sale of certain school lands in the county of Jay,

Which was read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 49; "The better to provide for annual supplies of paper, stationery, light and fuel for state purposes,

Which was read a second time, and referred to the select committee on the subject of the Secretary, Auditor and Treasurer of State.

No. 50; "To amend an act entitled "an act to amend and revise the act, entitled an act to incorporate the several townships in the county of Dearborn," approved February 1st, 1834,

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 9; (Of the Senate) for the establishment of a certain state road therein named,

Read a second time and referred to the committee on roads.

Mr. Smith of F., asked and obtained leave to offer the following resolution,

*Resolved*, That the acting commissioner of the southern division of the central canal be requested to communicate to this House any information in his possession relating to the claim of the Messrs. Stewarts on said canal, and also what steps if any, have been taken by the agents of the State in relation to the settlement of said claim.

Which was adopted.

Mr. Matson, at his request, was excused from serving on the judiciary committee, and Mr. Chiles was appointed in his stead.

Mr. Butler of V., moved to take up the motion made by himself on Friday last, for an additional rule to the rules of the House,

Which was so taken up and the rule adopted.

Mr. Shanks made the following report:

Mr. SPEAKER,

The committee on Engrossed bills have examined the engrossed joint resolution No. 53, "a joint resolution relative to the contract with the Morris Canal and Banking Company, for rail road iron, made by the Fund Commissioner, Milton Stapp, Esq." with the original, and find the same correctly engrossed.

A message from the Governor by Mr. Moore, his private Secretary,

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has on this day, approved and signed bills, entitled acts, as follows, to-wit:

An act to authorize the collection of the state and county revenue for the year 1839 for the county of Dubois."

"An act to amend an act approved February 24th, 1840, entitled an act relating to state roads."

"An act to stop the per diem compensation of members of the General Assembly of the State of Indiana, in certain cases therein mentioned."

All of which originated in the House of Representatives.

On motion,

The House adjourned until to-morrow 9 o'clock.

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TUESDAY, Dec. 22d, 1840.

The House met pursuant to adjournment.

Mr. Butler of Cass, from the committee on Enrolled bills reported the following:

MR. SPEAKER,

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill, which originated in the Senate, of the following title, to-wit:

No. 1; An act for the relief of Mrs. Cecile Brandt.

Whereupon, the Speaker signed the same.

The Speaker then laid before the House the resignation of John A. Matson, one of the Representatives from the county of Franklin.

Mr. Shanks made the following report:

MR. SPEAKER,

The committee on Engrossed bills have compared the engrossed with the original bills of the House as follows:

No. 35; A bill to amend an act entitled "an act regulating the practice in chancery," approved Feb. 10, 1831.

No. 36; A bill for the relief of the children of Walter Slawter,

No. 37; A bill to vacate the town plat of the village of Charlottesville, in Kosciusko county, Indiana.

No. 42; A bill for the relief of William Truelock.

No. 44; A bill making contestors of elections liable for costs.

No. 50; A bill to amend an act entitled "an act to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn," approved February 1st, 1834.

No. 48; A bill to authorize the sale of certain school lands in the county of Jay.

And find the same correctly engrossed.

A message from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed joint resolution of the House, No. 53, entitled,

"A joint resolution relative to the contract with the Morris Canal and Banking Company for rail road iron, made by the Fund Commissioner, Milton Stapp, Esq."

Without amendment.

MR. SPEAKER,

The Senate has also passed engrossed bills of the House of Representatives, without amendment, entitled as follows, viz:

No. 6; An act to vacate a part of the town of Kirklin, in Clinton county.

No. 7; An act to appropriate a part of the three per cent. fund belonging to Greene county to purposes therein named; and

No. 17; An act to provide for the mode of doing township business in the county of Miami.

Also a bill of the Senate, entitled

No. 15; An act regulating the jurisdiction of justices of the peace in Franklin county.

In which the concurrence of the House of Representatives is requested.

Bill No. 15, named in the message, was read the first time and passed to a second reading on to-morrow.

Mr. Rippey made the following report:

MR. SPEAKER:

The committee on elections to whom was referred a resolution of this House, instructing them to inquire into the propriety of so amending the 6th section of the law, regulating elections general, as to subject minors voting, to the penalties of the said section; have according to order had the same under consideration, and have directed me to report that it is inexpedient to legislate upon that subject at this time, and ask to be discharged from the further consideration thereof.

The committee was discharged accordingly.

Mr. Butler of V. made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred a resolution, instructing them to inquire into the necessity of so amending the revenue laws as to revive the 8th and a part of the 9th sections of that law, approved Feb. 10, 1831, and repealing all law now in force, directing the delinquent lands to be certified to the school commissioners &c., also to authorize the collection of a poll tax, from every man twenty one years of age and upwards; have had the same under consideration, and have directed me to report that they deem it inexpedient to legislate thereon, and ask to be discharged from the further consideration of the same.

The committee was discharged accordingly.

Mr. Jenckes made the following report.

MR. SPEAKER:

The committee on ways and means to whom was referred sundry bills granting an extension of time to the collectors of the revenue of Spencer, Laporte, Porter and Elkhart counties, for paying over the same into the state treasury, have had those bills under consideration and have unanimously directed me to

#### REPORT:

That in their opinion the passage of those bills is unnecessary, and would prove detrimental to the public interest. It will be found generally true that those counties, which pay the largest amount of state revenue, pay it the most promptly, while those that pay small sums from the little importance they attach to their own contributions, are most usually found applicants to the legislature for an extension of time for their collectors. Under our present laws the collector is appointed early in the month of May, and has power to appoint as many deputies as he may think necessary to assist him in the prompt and faithful discharge of his duties, and is allowed till the 2d Monday in December to collect and pay over the state revenue. If he fails to do it, by that time, it is made the duty of the auditor to cause a suit to be instituted against the defaulting collector, in the circuit court of the county in which he resides. If the collector pays in the state revenue before the court, in its circuit, reaches his county, the only loss the collector sustains is that of his mileage, which is at the rate of six cents a mile from his county seat to the state treasury; a penalty which in the opinion of the committee is quite light enough. From the evidence before the committee it appears that the claim of the collector of Spencer county for relief is the best founded, and that the House may judge of the necessity in the other cases, we will state this one with more minuteness. From the report of the auditor, it appears

that all the taxable land in that county for the year 1839, amounted to 49,000 acres at an average valuation of seven dollars per acre, and the county for that year paid a state tax of over 2,000 dollars, whereas for the present year the whole amount of land taxed was 172,000 acres, at an average valuation of 2 dollars per acre, and the state tax amounts to \$900 dollars only, of this sum \$600 has already been paid, leaving only \$300 due, which may be discharged in \$5 treasury notes. The circuit court for the county of Spencer, will not be in session till the 3d Monday in April next, whereas it is proposed by the bill, to extend the time of the collector to the first of March only. The revenue of Spencer county last year was promptly paid, and the committee have heard no reason assigned for the failure this year, other than sickness in the family of the collector. As under the law now in force, he will have nearly two months, more time than the bill proposes to give him, by submitting to the loss of his mileage, which in this case is about ten dollars, the committee have directed me to report this bill back to the House in company with the others, and to recommend that collectively, they be indefinitely postponed.

The report of the committee was concurred in, and said bills therein mentioned were indefinitely postponed.

Mr. Brenton made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred resolutions of the House, instructing them to inquire into the expediency of repealing the law relative to the summoning petit jurors in this state, and authorizing by law, the summoning all such jurors, when needed for the trial of any cause by the sheriff from the by-standers, with a provision for the punishment of such sheriff, if in the discharge of such duty he shall be guilty of partiality or corruption; and also to inquire into the expediency of providing by law, that hereafter no objection shall be taken to the legality of grand jurors, after they shall be sworn, and that when such jurors shall be set aside for any cause whatsoever, the sheriff shall select a grand jury from the by-standers, and be liable to heavy penalties where he shall be guilty of partiality, in the discharge of that part of his duty; have had the subject matter of those resolutions under consideration, and have directed me to report that legislation thereon is inexpedient, and ask to be discharged from their further consideration.

The report was concurred in, and the committee discharged accordingly.

Mr. Robinson made the following report:

MR. SPEAKER:

The committee on corporations to which was referred the petition of John W. Wright and others, praying the General Assembly to invest Griffin Hurlbut and his associates, with corporate powers for

the purpose of building a bridge across the Quagnire marsh, in Porter county, have had the same under consideration according to order, and have instructed me to report that it is inexpedient to legislate on the subject of said petition, and to ask that the committee be discharged from the further consideration thereof.

The committee was discharged accordingly.

Mr. Hanna made the following report;

**MR. SPEAKER:**

The select committee to which was referred by a resolution of this House, so much of the report of the board of public works as relates to drafts issued upon the fund commissioners, based upon further proceeds of the sale of canal lands, have had that subject under consideration, and directed me to report the following bill upon that subject.

Bill No. 61, to authorize the payment of contractors on the Wabash and Erie canal east of the mouth of Tippecanoe river, and for other purposes.

Which was read the first time, and passed to a second reading on to-morrow.

On motion of Mr. Robinson,

*Resolved*, That the committee on the judiciary, be instructed to inquire into the constitutionality and expediency, of providing by law, for the removal from office, of any judge of the supreme or circuit courts, who from long continued physical or mental disability, shall be found incapable of performing the duties of his office, and for the appointment of his successor, with leave to report by bill or otherwise.

On motion of Mr. Welch,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of amending the present laws relative to probate courts, so that in all cases, where the estate of a decedent, who leaves a widow is not worth one hundred dollars, and when it shall be made so to appear by an inventory made to the satisfaction of the court, it shall not be necessary to take out letters of administration on said estate.

With leave to report by bill or otherwise.

Mr. Smydth of D. moved to reconsider the vote taken on concurring in the report of Mr. Brenton from the judiciary committee.

Which motion prevailed.

When on motion of Mr. Smydth of D.

Said report was recommitted to a select committee, of Messrs. Smydth of D. Champer and Howe.

On motion of Mr. Jones,

*Resolved*, That the Auditor of public accounts, be requested to report to this House, the county or counties, if any, that has failed to pay any part of the state revenue, for any year since the present mode of collecting the county and state revenue has been adopted.

On motion of Mr. Shawhan,

*Resolved*, That the judiciary committee, be instructed to inquire



into the expediency of so amending the fourteenth section of an act regulating the jurisdiction and duties of justices of the peace, approved February 17th 1838, to make their report therein required at any time previous to the first day of each term of the circuit court, and report by bill or otherwise.

On motion of Mr. Runyan,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of so altering the law now in force, making it the duty of clerks of the circuit courts in this state, to make out a list of roads in each road district, for the benefit of supervisors, be so altered as to make it the duty of said supervisors to make out their own list of persons, liable to work on public roads, with leave to report by bill or otherwise.

On motion of Mr. Kile,

*Resolved*, That the committee on ways and means be instructed to inquire into the expediency of exempting from taxation capital vested in the manufactory of iron and salt; and report by bill or otherwise.

On motion of Mr. Chrisman,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of so amending the revenue law as to exempt from taxation all improvements on lands except on buildings over a certain value and to provide for an equitable mode of assessing all real estate; taking into consideration the quality of the soil and all the advantages arising from their conveniency to public works; with leave to report by bill or otherwise.

Mr. Burton offered for adoption the following resolution:

*Resolved*, That the fund commissioner now in Indianapolis, furnish to this House all the information that he may be in possession of, with regard to the Morris Canal and Banking Company, at the time our bonds were sold to that company as well as at the present; also the situation of that company when our fund commissioner, now in the east, exchanged with that company formal bonds, for those informal bonds, and the facts in relation to that exchange. Also, the nature and solvency of the collateral security now taken by our commissioner for the security of our bonds; also the nature and legality of the iron contract, and the probability of obtaining that contract, and if he approved and signed the iron contract, or the exchange of the formal bonds for those that were informal, and the liability of the state to pay the same; and any and all other matters in relation to the contract with that company, that he may be in possession of, and deem of service to this House, and interesting to the public; and also to report the amount of the rents which have been received from our establishments at Brooklyn; and also to inquire into and report the situation of the Bank loan of about \$1,000,000 taken by the Morris Canal Company.

Mr. Smydth of D., moved to lay the resolution on the table,

And the ayes and noes being demanded thereon by Messrs. Boon and Saylor,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Bowers, Bradbury, Brown, Butler of C., Lancaster, Mason, Newell of W., Rayburn, Robbins, Robinson, Runyan, Shawhan, Smith of F., Sweetser of G., Terrell, and Walpole.—18.

*Those who voted in the negative were*

Messrs. Blair, Blankenship, Boon, Bowles, Brenton, Burgess, Burton, Butler of V., Byers, Carr, Casey, Champer, Chiles Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Dowling, Dunn, Dunbar, Durbin, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Henley, Howe, Jenckes, Jones, Kerr, Kile, Leslie, Lucas, McCoy, McCrillis, McCully, Montgomery of G., Montgomery of W., Morgan, Newell of F., North, Peck, Quick, Rawlings, Read, Rippey, Rose, Ross, Rulon, Russell, Saylor, Schoonover, Shanks, Shortridge, Sloan, Smydth of D., Stanford, Sweetser of M., Welch, Wilson, Woodard, and Mr. Speaker.—73.

So the motion to lay on the table did not prevail.

The resolution was then adopted.

Mr. Butler of C., made the following reports:

MR. SPEAKER,

The joint committee on enrolled bills, report that they have compared the engrossed with the enrolled joint resolution which originated in the House of Representatives, of the following title, and find the same duly enrolled,

No. 53; A joint resolution relative to the contract with the Morris Canal and Banking Company, for rail road iron, made by the Fund Commissioner, Milton Stapp, Esq.

And thereupon the Speaker signed the same.

MR. SPEAKER:

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor for his approval and signature, the following bill of the Senate, to-wit:

No. 1; An act for the relief of Cecile Brandt.

Also the following joint resolution of the House of Representatives,

No. 53; A joint resolution relative to the contract with the Morris Canal and Banking Company, for rail road iron, made by the Fund Commissioner, Milton Stapp, Esq.

INTRODUCTION OF BILLS.

Mr. Walpole introduced bill No. 62, providing for the discharge of

insolvent persons who are detained in prison for the non-payment of costs in criminal cases.

Mr. McCrillis introduced bill No. 63, to authorize the commissioners of Dubois county to levy a tax, ad valorem, for certain purposes therein named.

Mr. Shawhan introduced Bill No. 64, to amend an act entitled "an act for assessing and collecting the revenue, app. 10, 1831.

Mr. Burton introduced a bill No. 65, for the relief of Mentor S. Johnson, collector of Clay county.

Which were severally read the first time and passed to a second reading on to-morrow.

The House then proceeded to the orders of the day.

Engrossed bill of the Senate No. 11, to amend the act entitled "an act to incorporate county Libraries," approved February 17th, 1838.

Engrossed bill of the House No. 35, to amend an act entitled "an act regulating the practice in chancery, approved February 10th, 1831.

Engrossed bill of the House No 36, for the relief of the children of Walter Slawter.

Engrossed bill of the House No. 37, to vacate the town plat of the village of Charlottesville, in Kosciusko county, Indiana.

Engrossed bill of the House No. 42, for the relief of William True-lock.

Engrossed bill of the House No. 44, making contestors of elections liable for costs.

Engrossed bill of the House No. 48, to authorize the sale of certain school lands in the county of Jay.

Engrossed bill of the House No. 50, an act to amend an act entitled an act to amend and revise the act, entitled, "an act to incorporate the several townships in the county of Dearborn," approved February 1st, 1834,

Were severally read a third time and passed.

Ordered that the Senate be informed thereof.

The Speaker laid before the House the report of the commissioners of Internal Improvement,

Which was laid upon the table.

Bill No. 51; To revise certain acts relative to a stay of execution,

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

Bill No. 52, For the relief of Victor *M.* Cole,

Was read the second time, when,

Mr. Mason moved to commit the bill to the judiciary committee, with the following instructions: "To amend by setting out the date and number of the notes lost."

Mr. Farrington moved to amend the instructions by inserting as follows:

"Upon said Cole giving a bond of indemnity to the State, in double the amount of the Treasury Notes alleged to be destroyed, in case the notes should hereafter be presented for payment."

Which amendment to the instructions was not agreed to.

Mr. Brenton called for a division of the question (being on striking out,)

Which was decided in the negative.

And the question then recurring on the engrossment of the bill, it was decided in the negative.

So said bill was lost.

On motion,

The House adjourned until 2 o'clock, P. M.

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2 o'clock. P. M.

The House met pursuant to adjournment.

The House proceeded with the orders of the day, being bills on their second reading.

Bill No. 54, requiring plaintiffs in vexatious suits to give security for costs;

Was read the second time, when Mr. Leslie moved to commit the bill to a select committee, with instructions to amend it so as to "make all plaintiffs to give security for costs."

Mr. Robinson moved that the bill be indefinitely postponed;

And the ayes and noes being called by Messrs. Walpole and Butler of V.,

*Those who voted in the affirmative were,*

Messrs. Ball, Blankenship, Boon, Bradbury, Brenton, Brown, Burgess, Chiles, Chrisman, Clark of T., Cole, Coleman, Dowling, Dunbar, Foote, Hanna, Harding, Harrah, Houghton, Jenckes, Jones, Kerr, Lancaster, McCully, Montgomery of G., Newell of F., North, Peck, Read, Rayburn, Ritchey, Rippey, Robbins, Robinson, Rose, Russell, Saylor, Schoonover, Shortridge, Smydth of D., Stanford, Sweetser of G., Sweetser of M., Welch, Wilson, Woodard, and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Atherton, Blair, Bowers, Bowles, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Champer, Conner, Conwell, Diefrees, Dunn, Durbin, Elkins, Hamer, Harrison, Henly, Howe, Kile, Leslie, Lucas, Mason, McCrillis, Miller, Montgomery of W., Morgan, Newell of W., Quick, Rawlings, Ross, Rulon, Runyan, Shanks, Shahan, Terrell, and Walpole—39.

So said bill was indefinitely postponed.

On motion of Mr. Champer,  
Leave of absence until Monday next was obtained for Mr. Coffeen.

Bill No. 55, for the relief of John W. Cunningham, late collector of Putnam county, was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 56, to authorize and regulate congressional township libraries; was read a second time and referred to the committee on Education.

No. 57, to locate a State road therein named; was read a second time and referred to the committee on Roads.

No. 58, locating a State road from Evansville, Vanderburgh county, to Petersburg, Pike county; was read a second time and referred to the committee on Roads.

No. 59, to incorporate the Madison law library society; was read a second time and referred to the committee on Corporations.

No. 60, to authorize the issuing of a special writ of 'distringas,' in certain cases; was read a second time and referred to the committee on the Judiciary.

Mr. Blair offered the following resolution:

*Resolved*, That when this House adjourn on next Thursday evening, it will stand so adjourned until two o'clock P. M., on Friday, the 25th instant.

Which resolution,

On motion of Mr. Durbin,

Was laid upon the table.

On motion of Mr. Boon,

*Resolved*, That the Fund Commissioners report to this House, at as early a period as possible, if they have sold any State bond or bonds, authorized to be sold by an act "providing for the further construction of the Madison and Lafayette rail-road," approved February 6th, 1839, and if so, what amount, and to whom, and the nature of the contract or contracts.

On motion of Mr. Butler of V.,

*Resolved*, that the committee on Roads be instructed to inquire into the expediency of so amending the law, as to require all white male persons owning and paying a tax on real estate, to work upon the highways, or pay to the supervisor in their districts, a sum equivalent to the amount of labor required of them, and to repeal the law that exempts all persons over fifty years, without distinction, from working on the highway; and report by bill or otherwise.

On motion of Mr. Terrell,

*Resolved*, That the committee on Ways and Means be instructed to inquire if any, and if so, how much additional compensation ought to be allowed to the agents for loaning the surplus revenue, in the several counties of this State, in all cases where money loaned is collected by suit in law; and report by bill or otherwise.

On motion of Mr. Burton,

*Resolved*, That the committee on the Judiciary inquire into the ex-

pediency of so amending the probate law, as to require guardians to report to the probate court once in every year, at such term as the court may point out.

On motion of Mr. Foote,

*Resolved*, That the committee on Ways and Means be instructed to inquire into the expediency of making an entire revision of the revenue system, providing by suitable enactments, for an equitable assessment, and for the collection of said revenue in accordance with the following provisions; and report to this House at as early a day as practicable.

Providing for the election of county assessors by the people; defining their duties under adequate penalties, requiring them to make a full and complete assessment of all the taxable lands and town lots, affixing thereto a fair cash value, together with the buildings and other improvements thereon, and make return thereof to the board doing county business on the        day of        ; provide also for the organization of county and state boards of equalization; and that said list of lands and town lots, when so assessed, and valuation equalized by said boards, shall continue and remain unchanged as regards the valuation for the term of five years, except additional buildings that may have been erected during the preceding year, a list of which shall annually be returned by the assessor, and added to the original valuation; Provided, that all articles of personal property made subject to taxation, shall be specifically named; and that the assessor shall annually assess and return a list of all the property taxable as aforesaid; Provided also, that county treasurers shall be hereafter elected by the people, and who shall by virtue of their office, be collector of the state and county taxes, to serve for the term of two years, fixing by law their compensation, and defining their duties.

On motion of Mr. McCully,

Whereas, the citizens of Carroll and adjoining counties, are anxious to have the water power at the Wabash dam near Delphi improved, therefore,

*Resolved*, That the acting commissioner on the Wabash and Erie canal, be requested to report to this House at as early a day as possible, what exertions have been made on his part to put the same under contract; also whether he has received any bids for water power; if so, what the amount of said bids was, and by whom made.

Mr. Brenton offered the following resolution.

*Resolved*, That the committee of ways and means, be instructed to inquire into the expediency of providing by law, that the several boards doing county business in the several counties in this state, be required at their May session in each year, to fix the per centum for state purposes on all personal property subject to taxation, at twenty cents on the hundred dollars; and that all lands lying within three mile of any rail road, M'Adamized road or canal, embraced in the system of Internal Improvements, they shall fix the per centum at the rate of fifty cents on every hundred dollars, of the valuation of said lands; and all lands lying more than three miles, and within six miles of any such public

works aforesaid, shall be taxed at the rate of forty cents on every hundred dollars of the valuation of said lands; and all lands lying more than six, and within ten miles of any such public works aforesaid, shall be taxed at the rate of thirty cents on every hundred dollars of the valuation of said lands, and all other lands subject to taxation shall be taxed at the rate of twenty cents on every hundred dollars of the valuation of said lands; but the additional rate of taxation above twenty cents as aforesaid, shall not apply to the lands along such lines of said works upon which operations may not have yet commenced. And that the county boards aforesaid, may fix the per centum for purposes of county revenue, at any per centum they may deem necessary, on each one hundred dollars valuation of taxable property. That the lands within ten miles of the Ohio and Wabash rivers, shall be taxed as if said rivers were works of Internal Improvements.

Which, on motion of Mr. Champer,

Was laid upon the table.

Mr. Sweetser of M. presented the memorial of Andrew Wilson,

Which was read and referred to the committee on claims,

On motion of Mr. Smith of F.

The report of the commissioners of Internal Improvements was taken from the table, and referred to the committee on Canals and Internal Improvements.

Mr. Dunn offered the following resolution,

*Resolved*, That there be a committee of three, elected by this House, to investigate and report thereon, all claims that may be presented for the action of this House, by any contractor or contractors on the public works, or for damages sustained thereon, by any other individual, and that said committee have power to send for persons and papers, and if necessity require it they be permitted to proceed with their enquiry when the House may be in session, and that any business of the above character that may have been referred to any of the standing committees or select committee of the House, be hereby transferred to the committee contemplated in this resolution, and further, that the parties may appear by their counsel or otherwise.

Mr. Brenton presented the petition of Samuel Moore and others, citizens of Clay county,

Which was read and referred to the committee on agriculture.

Mr. Quick introduced bill No. 66, for the relief of the trustees of the Methodist Episcopal church in the town of Columbus, in Bartholomew county;

Which was read a first time, and passed to a second on to-morrow.

Mr. Jones introduced bill No. 67, for the relief of the collector of the county revenue for the county of Spencer,

Which was read a first time, and passed to a second on to-morrow.

Mr. Stanford presented the petition of sundry citizens of Henry county,

Which was read, and laid upon the table.

The House then adjourned until to-morrow morning at 9 o'clock P. M.

WEDNESDAY, Dec. 23rd, 1840

The House met pursuant to adjournment.

The Speaker laid before the House a communication from Seth M. Leavenworth, relative to the Leavenworth and Bloomington rail road company;

Which was read and referred to the committee on Canals and Internal Improvements.

A message was received from the Senate by Mr. Maguire their principal Secretary.

**MR. SPEAKER:**

I am instructed to inform the House of Representatives that the Senate has passed engrossed bills of the House of Representatives, entitled as follows, viz:

No. 14, an act to amend an act entitled an act, for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county.

With one amendment, in which the concurrence of the House of Representatives is requested.

The Senate has also passed engrossed bills of the Senate, entitled as follows, viz:

No. 18, a bill to extend the provisions of certain acts therein named, to the county of Grant.

No. 19, a bill to amend an act to provide for the opening and repairing public roads and highways in Gibson county, approved Feb. 17, 1838.

In which the concurrence of the House of Representatives is requested.

The amendment of the Senate, to bill of the House, No. 14, was read and concurred in.

Bills No. 18 and 19, named in the message were read a first time, and passed to a second reading on to-morrow.

Mr. Sweetser of G. presented the petition of sundry citizens of Wabash county, relative to the building of a bridge at the town of Wabash;

Which was read and referred to a select committee of Messrs. Sweetser of G. Rayburn and Runyan.

Mr. Montgomery of W. presented a communication from the clerk of the circuit court of Warren county;

Which was referred to the apportionment committee.

Mr. McCully made the following report:



MR. SPEAKER:

The committee on elections to whom was referred a resolution instructing said committee to inquire into the expediency of so amending the law regulating elections, as to compel all persons to vote in the township in which they may reside, and also to subject unqualified voters the same penalties for voting or offering to vote, to which qualified voters are subject for offering to vote twice at the same election; have had the same under consideration, and have directed me to report, that having found the first part of said resolution, embraced in a petition on that subject, and having ordered a bill to be reported according to the prayer of said petition. The committee deem it inexpedient to legislate on the subject contained in the second part of said resolution; and ask to be discharged from the further consideration of the same.

The report was concurred in, and the committee discharged.

Mr. Atherton make the following report:

MR. SPEAKER,

The committee on elections to whom was referred the certificates of members of this House, have examined the same, and have directed me to report the following gentlemen duly elected, to-wit:

- From the county of Madison*—Willis G. Atherton,  
 “ “ *Porter & Lake*—Seneca Ball,  
 “ “ *Decatur*—James Blair,  
 “ “ *Morgan*—Perry M. Blankenship,  
 “ “ *Sullivan*—George Boon,  
 “ “ *Ripley*—Henry J. Bowers,  
 “ “ *Orange*—William A. Bowles,  
 “ “ *Wayne*—Daniel Bradberry, Allen Hiatt, Morris  
 Lancaster, and Daniel Strattan,  
*From the county of Hendricks*—Samuel Brenton,  
 “ “ *Laporte*—Daniel Brown,  
 “ “ *Union*—John L. Burgess and John B. Rose,  
 “ “ *Clay*—Jesse J. Burton,  
 “ “ *Cass*—James Butler,  
 “ “ *Vanderburgh*—William Brown Butler,  
 “ “ *Monroe*—David Byers.  
 “ “ *Lawrence*—George W. Carr, and Hugh Hamer,  
 “ “ *Posey*—William Casey,  
 “ “ *Owen*—Basil Chamber,  
 “ “ *Putnam*—John C. Chiles, John M. Coleman,  
 and Daniel Harrah,  
*From the county of Dearborn*—John B. Clark, W. R. Cole, Isaac  
 Dunn, and Abijah North.  
*From the county of Fountain*—Solomon Clark and Davis Newell.  
 “ “ *Tippecanoe*—Othniel L. Clark and Morgan  
 Shortridge,

*From the county of Delaware*—Eleazer Coffeen,  
 “ “ Perry—Frederick Conner,  
 “ “ Franklin—James Conwell and John A. Matson,  
 “ “ St Joseph—John. D. Defrees,  
 “ “ Vigo—Thomas Dowling, James Farrington and

Joseph S. Jenckes,

*From the county of Jackson*—Ezekiel L. Dunbar,  
 “ “ Switzerland—Hosier J. Durbin,  
 “ “ Randolph—Smith Elkins,  
 “ “ Parke—Andrew Foote and James Kerr,  
 “ “ Greene—J. S. Freeman,  
 “ “ Jefferson—Samuel Goodenow, George Robinson,

and Charles Woodard.

*From the county of Warrick*—C. C. Graham,  
 “ “ Allen—Samuel Hanna,  
 “ “ Marion—Israel Harding and Philip Sweetser,  
 “ “ Montgomery—Joshua Harrison and John Wilson,  
 “ “ Clarke—Thomas J. Henley and J. G. Read,  
 “ “ Martin—A. Houghton,  
 “ “ Lagrange, &c.—John B. Howe,  
 “ “ Spencer—William Jones,  
 “ “ Vermillion—William Kile and John Russell,  
 “ “ Harrison—Frederick Leslie and John Zenor,  
 “ “ Shelby—Joshua B. Lucas and W. W. McCoy,  
 “ “ Fayette—Philip Mason and Caleb B. Smith,  
 “ “ Dubois—Aaron B. McCrillis,  
 “ “ Carroll—James McCulley,  
 “ “ Floyd—Jacob Miller,  
 “ “ Gibson—Isaac Montgomery,  
 “ “ Warren—William G. Montgomery,  
 “ “ Rush—Jesse Morgan, Joseph Peck, and James

M. Ross,

*From the county of White*—Robert Newell,  
 “ “ Bartholomew—Tunis Quick and Williamson

Terrell,

*From the county of Scott*—Aaron Rawlings,  
 “ “ Miami—William M. Rayburn,  
 “ “ Johnson—James Ritchey,  
 “ “ Elkhart—Matthew Rippey,  
 “ “ Hamilton—Jacob Robbins,  
 “ “ Jay—Morrison Rulon,  
 “ “ Kosciusko—Peter L. Runyan,  
 “ “ Clinton—M. Z. Saylor,  
 “ “ Washington—Rhodolphus Schoonover, and

William Shanks,

*From the county of Henry*—D. C. Shawhan and Thos. R. Stanford,  
 “ “ Crawford—James G. Sloan,  
 “ “ Daviess—Samuel Howe Smydth,  
 “ “ Grant & Wabash—James Sweetser,

“ “ *Hancock*—Thomas D. Walpole,  
 “ “ *Jennings*—Presley Welch,  
 “ “ *Knox*—Samuel Judah.

Which was read and laid on the table.

Mr. Chiles made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred a resolution instructing them to revise the several acts subjecting real and personal estate to execution, and ascertain what part of the several acts upon that subject are now in force, and also to inquire into the propriety of repealing the act of the last session, entitled, “an act to amend an act subjecting real and personal estate to execution,” approved February 24th, 1810, have considered these matters, and have directed me to report, that further legislation upon the subject is, at this time, unnecessary and inexpedient.

Which report was concurred in.

Mr. Brenton made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred a resolution of this House instructing them “to report a bill compiling the different acts relative to selecting grand and petit jurors, and to recommend such amendments as they may think necessary,” have instructed me to report the same back to the House, and recommend its reference to the select committee to whom resolutions on the same subject were referred.

The report was concurred in, and the report was re-committed to a select committee of Messrs. Smydth of D., Champer and Howe.

Mr. Smith of F., made the following report.

MR. SPEAKER,

The committee on canals and Internal Improvements to whom was referred the petition of William M. Campbell, praying for relief, have had the subject embraced in said petition under consideration, and have directed me to report, that in the opinion of the committee the facts set forth in the petition constitute no claim on behalf of the petitioner against the state, wherefore they ask to be discharged from the further consideration of the subject.

The committee was discharged accordingly.

Mr. Smith of F., made the following report.

MR. SPEAKER,

The committee on canals and Internal Improvements to whom was referred the petition of Daniel Harris and others, citizens of Clay coun-

ty, praying for an appropriation to drain a certain pond in said county, created by the erection of the guard bank of the feeder dam of the Cross-Cut Canal, have had the subject embraced in said petition under consideration, and have directed me to report, that they deem it inexpedient to make any appropriation for that object, and ask to be discharged from the further consideration of the subject.

Mr. Burton moved to re-commit the report to a select committee, with instructions to make an appropriation not exceeding \$500 to the object proposed in said petition.

Which was decided in the negative.

When, the report of the committee was concurred in.

Mr. Champer made the following report:

Mr. SPEAKER,

The committee on Federal Relations to whom was referred a resolution of the House of Representatives on the subject of instructing our Senators and requesting our Representatives in Congress in relation to a repeal of the bill passed at the last session of Congress, usually called the Independent Treasury Bill, have considered that subject, and directed me to report the following joint resolution:

No. 69; A joint resolution relative to the Sub-Treasury Bill,

Which was read the first time and passed to a second reading on tomorrow.

Mr Graham, from a select committee, made the following report:

Mr. SPEAKER:

The select committee to which was recommitted bill of the House No. 19, entitled "a bill extending the time of payment to borrowers of the Sinking, College, and Saline funds, and of the surplus revenue," have had the same under consideration, and directed me to report the same back with the following amendment:

Insert in the fourth line after the word revenue, the following, "and those who have mortgaged lands to the school commissioner for loans affected."

In which amendment, the concurrence of the House is requested.

Which report was concurred in.

Mr. Conwell moved to lay said bill on the table; which motion did not prevail.

Mr. Smith of Fayettee, moved to amend the bill by adding the following proviso to the first section thereof:

"*Provided*, That those loans of the surplus revenue which are now secured by personal property alone, shall be secured by mortgage upon real estate, before the borrowers thereof shall be entitled to the extension provided for in this act."

And the ayes and noes being demanded thereon by Messrs. Henley and Rulon,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Bowers, Bradbury, Brown, Burgess, Butler of C., Butler of V., Clark of T., Cole, Coleman, Conwell, Defrees, Dunn, Durbin, Foote, Freeman, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Howe, Jenckes, Jones, Kile, Mason, McCrillis, Miller, Montgomery of G., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Rayburn, Robinson, Ross, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Standford, Stratton, Sweetser, of M., Terrell, Welch, Wilson, and Woodard—54.

*Those who voted in the negative were,*

Messrs. Blankenship, Boon, Bowles, Brenton, Burton, Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D., Clark of F., Conner, Dowling, Dunbar, Henley, Houghton, Kerr, Leslie, Lucas, McCully, Read, Ritchey, Rippey, Robbins, Rose, Rulou, Runyan, Russell, Saylor, Schoonover, Shanks, Sweetser of G., Walpole, and Mr. Speaker—36.

So said amendment was adopted.

The question then recurring on the engrossment of the bill, and the ayes and noes being demanded thereon by Messrs. Walpole and Rulon,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bowles, Bradbury, Brenton, Brown, Burgess, Butler of C., Casey, Chrisman, Clark of D., Clark of F., Cole, Coleman, Conner, Defrees, Durbin, Foote, Freeman, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Howe, Jones, Kile, Leslie, Lucas, Mason, McCrillis, Montgomery of G., Morgan, Newel of W., North, Peck, Quick, Rawlings, Rayburn, Rippey, Ross, Runyan, Russell, Schoonover, Shawhan, Shortridge, Sloan, Smydth of D. Stanford, Stratton, Terrell, Walpole, Welch, Wilson, Woodard, and Mr. Speaker,—60.

*Those who voted in the negative were,*

Messrs. Blankenship, Boon, Burton, Butler of V., Byers, Carr, Champer, Chiles, Clark of T., Conwell, Dowling, Dunn, Dunbar, Henley, Houghton, Jenckes, Kerr, McCuiley, Miller, Newell of F., Read, Ritchey, Robbins, Rose, Rulon, Saylor, Shanks, Smith of F., Sweetser of G., Sweetser of M—30.

So said bill was ordered to be engrossed and read a third time on tomorrow.

Mr. Sweetser of Marion made the following report:

MR. SPEAKER:

The select committee to whom was referred the subject of the erec-

tion of a bridge over Laughery creek, where the State road from Napoleon to Lawrenceburgh crosses the same, have had the same under consideration and directed me to report the following bill:

No. 69, a bill making an appropriation to build a bridge across Laughery creek, in Ripley county, where the State road leading from Napoleon to Lawrenceburgh crosses the same.

Which was read the first time and passed to a second reading on to-morrow.

On motion of Mr. Mason,

*Resolved*, That Jesse L. Williams, Chief Engineer of this State, be required to report to this House, the number of miles of the White Water canal that is finished, and the cost of such finished part; also the amount expended between the part finished and the feeder dam at Laurell, the distance in miles and the cost to finish it; also the distance from the feeder dam at Laurell to the feeder dam immediately below Connersville, and the amount which has been expended upon that portion, and the amount necessary to complete said portion; also the distance from the said feeder dam below Connersville to the feeder dam at the mouth of Green's Fork, and the amount expended upon that portion of said work, and the amount necessary to complete said portion; also the distance from the feeder dam at the mouth of Green's Fork to the National road, and the amount expended upon that portion, also the amount necessary to complete said portion of said work; also the cost of perishable materials which have been paid for by the State on each of the foregoing sections.

On motion of Mr. Rippey,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending the 10th section of the 17th chapter of an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838, as to compel persons refusing to work on school houses to pay one dollar per day in place of fifty cents as now required; with leave to report by bill or otherwise.

Mr. Dunn offered the following resolution,

*Resolved*, That the judiciary committee be instructed to report a bill to authorize the examination of the registers required to be kept by the Treasurer and Auditor of all treasury notes redeemed and cancelled, and to provide for their destruction prior to the treasurer's office passing into other hands.

Mr. Brenton moved to change the reference to the committee of ways and means.

Which was not agreed to.

Mr. Chiles moved to amend by striking out the words "be instructed" and insert the words "inquire into the expediency."

Which amendment was consented to.

The resolution as amended was then adopted.

On motion of Mr. Shawhan,

*Resolved*, That the committee on Education be instructed to inquire what amendment if any is necessary to an act approved February 18th

1839, to enable the several school commissioners to distribute certain school funds derived from the surplus revenue, lands forfeited for the non-payment of the taxes, and the sum heretofore set apart for poll tax for common school purposes; and report by bill or otherwise.

On motion of Mr. Leslie,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of authorizing the recovery by law, interest on all judgments hereafter rendered, on any instruments in writing, the interest specified in said contract or writing, not exceeding the rate of ten per centum per annum; with leave to report by bill or otherwise.

Mr. Bowers offered the following resolution,

*Resolved*, That the board of directors of the State Bank of Indiana be requested to inform this House whether they have appointed a committee to attend on the present legislature of Indiana with a view of instructing, advising or directing their legislation in relation to the State Bank; also to inform this House who constitute said committee, and that they be invited to take their seats on the right of the Speaker's chair.

Mr. Smydth of Daviess moved that the resolution be indefinitely postponed.

Mr. Robinson moved that it be laid on the table,

Which motion prevailed.

On motion of Mr. Robinson,

*Resolved*, That the Principal Engineer be requested to lay before the House at his earliest convenience, a tabular statement exhibiting the length of that portion of the Madison and Indianapolis rail road north of Vernon now under contract, the amount of grading and bridging thereon done and paid for; the amount of grading and bridging thereon yet to be done and paid for; the estimated cost of grading and bridging such portions thereof as are not under contract; the estimated cost of the entire superstructure between Vernon and Indianapolis; the estimated cost of the whole work from Vernon to Indianapolis discriminating between the amount thereof under contract, and that not under contract; together with such other information as may be pertinent to the subject.

On motion of Mr. Champer,

*Resolved*, That Mr. Williams, the Chief Engineer of this State, be required to report to this House as soon as it may be in his power, what amount of work has been done on the Central Canal south of Indianapolis, in what condition such work is, the cost of the same, and what will be the probable cost of finishing that part of said canal.

On motion of Mr. Dunbar,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of providing by law for some uniform system in the practice of the circuit courts of this state, on the subject of bailiffs to the grand jury, commonly called riding bailiffs; with leave to report by bill or otherwise.

On motion of Mr. Rayburn,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of abolishing imprisonment for debt.

Mr. Peck moved to re-consider the vote laying on the table the resolution offered on yesterday by Mr. Brenton,

Which motion did not prevail.

On motion of Mr. Goodenow,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of exempting from taxation, for a limited period, any funds which are, or may be invested in the manufacture of silks, or woolen goods.

Mr. Brenton moved to take from the table a resolution offered by himself on yesterday,

And the ayes and noes being demanded by Messrs. Morgan and Peck,

*Those who voted in the affirmative were*

Messrs. Boon, Bowers, Brenton, Burgess, Byers, Casey, Chrisman, Clark of Fountain, Coleman, Conner, Dowling, Durbin, Freeman, Henley, Houghton, Jones, Kile, Leslie, Lucas, McCrillis, Miller, Morgan, Peck, Rawlings, Read, Rose, Ross, Rulon, Runyan, Terrell, and Walpole.—31.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blankenship, Bowles, Bradbury, Brown, Burton, Butler of Cass, Butler of Vanderburgh, Carr, Champer, Chiles, Clark of Dearborn, Clark of Tippecanoe, Cele, Conwell, Defrees, Dunn, Dunbar, Foote, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Howe, Jenckes, Kerr, Lancaster, Mason, McCulley, Montgomery of G., Montgomery of W., Newell of Fountain, Newell of White, Quick, Rayburn, Ritchey, Rippey, Robbins, Robinson, Russell, Saylor, Shanks, Shawhan, Shortridge, Sloan, Smydth of Daviess, Smith of Fayette, Stanford, Strattan, Sweetser of Grant, Sweetser of Marion, Welch, Wilson, Woodard, and Mr. Speaker—60.

So said resolution was not taken from the table.

Mr. Read offered the following resolution,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of requiring hereafter that all executions in capital cases, shall take place within the walls of the prison, or in some other private manner.

Mr. Sweetser of M., moved to amend by adding, "and inquire also into the expediency of abolishing capital punishment;"

Which was adopted; and the resolution, as amended, was then adopted.

Mr. Defrees introduced "Joint resolution, No. 70, relative to a bankrupt law."



Mr. Newell of Fountain, No. 71, a Joint resolution for the relief of David Rowles.

Mr. Howe, No. 72, a bill to authorize the state of Michigan to make certain improvements on the St. Joseph river, and for other purposes,

Which were severally read and passed to a second reading on tomorrow.

Mr. Butler of Cass made the following reports:

MR. SPEAKER:

The joint committee on enrolled bills report, that they did this day compare the enrolled with the engrossed act and joint resolution which originated in the Senate, and find the same duly enrolled, to-wit:

No. 5; An act to repeal an act entitled an act to provide for a more uniform mode of doing township business in the county of Randolph, approved January 21st, 1839.

No. 21; A joint resolution of the General Assembly of the state of Indiana, in relation to the selection of lands for the Wabash and Erie Canal.

MR. SPEAKER,

The joint committee on enrolled bills, report that they did this day compare the enrolled with the engrossed acts of the House of Representatives, and find the same duly enrolled, to-wit:

No. 6; An act to vacate a part of the town of Kirklin, in Clinton county.

No. 17; An act to provide for the mode of doing township business in Miami county.

No. 7; An act to appropriate a part of the three per cent. fund belonging to Greene county to purposes therein named.

Mr. Shanks from the committee on Engrossed bills made the following report:

MR. SPEAKER—

The committee on Engrossed bills have compared the following engrossed bills of the House with the original bills, viz:

No. 55; A bill for the relief of John W. Cunningham, late collector of Putnam county.

No. 51; A bill to revive certain acts relative to a stay of execution. And find the same correctly engrossed.

On motion,

The House then adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The House then proceeded to the orders of the day, being bills on the third reading.

BILLS OF THE HOUSE OF REPRESENTATIVES.

No. 51; To revive certain acts relative to a stay of execution.

No. 55: For the relief of John W. Cunningham, late collector of Putnam county.

Which were severally read a third time and passed.

Ordered that the clerk inform the Senate thereof.

BILLS ON SECOND READING.

Bill of the Senate No. 15, regulating the jurisdiction of justices of the Peace in Fountain county,

Was read a second time and passed to a third reading on to-morrow.

BILLS OF THE HOUSE.

No. 61; To authorize the payment of contractors on the Wabash and Erie canal, east of the mouth of Tippecanoe river, and for other purposes,

Was read a second time, and referred to the committee on canals and Internal Improvements.

No. 62; Providing for the discharge of indigent persons, who are detained in prison for the non-payment of costs in criminal cases,

Was read a second time and referred to the committee on the judiciary,

No. 63; To authorize the commissioners of Dubois county to levy a tax, ad valorem, for certain purposes therein named,

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 64; To amend an act entitled "an act for assessing and collecting the revenue," approved February 10, 1831,

Was read a second time and referred to the committee on ways and means.

No. 65; For the relief of Mentor S. Johnson, collector of Clay county,

Was read a second time and referred to the committee on ways and means.

No. 66; for the relief of the Trustees of the Methodist Episcopal church, in the town of Columbus, in Bartholomew county, and

No. 67; For the relief of the collector of the county revenue for Spencer county,

Were severally read a second time, and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Clark of D.,

*Resolved*, That the committee on the State Prison be instructed to inquire into the expediency of prohibiting the superintendents thereof, from requiring the prisoners therein to perform manual labor on the Sabbath day; and that they report by bill or otherwise.

On motion of Mr. Atherton,

*Resolved*, That Jesse L. Williams, Chief Engineer, be requested to report in tabular form, to this House at as early a day as possible, the amount of money expended on the northern division of the Central Canal, and the amount of money it will take to complete said division to Andersontown in Madison county, and the amount of perishable materials delivered on said work. Also the amount of money expended on the feeder line of said canal from the feeder dam in Delaware county to Andersontown in Madison county, and the amount of money it would take to complete said feeder for the reception of the water from said dam to Andersontown, and the benefits, if any, that would be derived by hydraulic power to the state if said feeder was completed between those two points.

Mr. Welch presented the petition of John Vawter and other citizens of Jennings county,

Which was read and referred to the committee on canals and internal improvements.

Mr. Montgomery of G., presented the petition of Robert Logan, and McBay & Gallaher,

Which was read and referred to the committee on canals and internal improvements.

Mr. Conwell introduced bill No 73, for the preservation of sheep,

Which was read a first time and passed to a second reading on to-morrow.

Mr. Smydth of D., offered the following resolution,

*Resolved*, That this House will not grant leave of absence to any member unless for good cause shown, during the present session.

Which was not adopted.

On motion,

The House then adjourned until 9 o'clock to-morrow morning.

THURSDAY, DEC. 24th, 1840.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Auditor of State;

Which was read, and referred to the committee on Ways and means.

Mr. Jenckes, chairman of the committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means to whom was referred so much of the late Governor's message as recommends the issue of small notes by the State Bank for a limited period, have had the subject of that resolution under their consideration, and instructed me to report the following bill:

No. 75, a bill to authorize the State Bank of Indiana to issue notes of a less denomination than five dollars;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Sweetser of Marion, chairman of the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred the memorial of H. Chase, praying that articles of impeachment might be preferred against John W. Wright, president judge of the eight judicial circuit, have had the same under consideration and directed me to make the following

#### REPORT:

That they have attentively heard the evidence in support of the charges in said memorial, and find that two of them have in fact been supported. The first is as follows: At the last term of the Lagrange circuit court, one Caleb B. Sanbon, a youth of about sixteen years of age, was indicted for stealing five dollars worth of Coon skins; that the cause was submitted to a jury, he found guilty and punished by the jury, directing his confinement in the State prison for two years, and disfranchisement for a period not proved. The verdict of the jury was corrected by the Court in matter of form, although some variance existed between the Court and defendant's Counsel, whether the amendment was matter of form or substance, or in fact, what the amendment was. A motion, or a notice of motion, was made for a

new trial, and in arrest of judgment, but the Court expressed themselves satisfied with the verdict. Much sympathy was manifested for the defendant.

The motion, or notice of motion, for a new trial, and in arrest of judgment, were withdrawn on the suggestion of Judge Wright, and the verdict set aside upon condition that the defendant would plead guilty to petit larceny, which was done, and the defendant sentenced to confinement in the county jail for three months. The committee deem these proceedings censurable and improper. It has taken from the jury to whom it of right belonged, to ascertain the guilt of the defendant and fix his punishment.

But the committee deem the transaction as resulting from inexperience, and humane feeling wrongly directed. If the Court believed the conviction wrong, they should have granted a new trial, and if they believed the punishment too great, they should have represented the matter to the Executive, who never turns a deaf ear to their applications in such cases. But the committee cannot perceive that Judge Wright was actuated by corrupt motives.

At the last term of the Huntington circuit court, a person was convicted of grand larceny and sentenced to the State Prison. The conviction was acquiesced in. No motion was made either for a new trial or in arrest of judgment. In the evening, after the adjournment of court, while the minutes of the court were being made up, the Clerk said he had no list of the jury who tried the cause, and some of them had been selected from the by-standers. The names of twelve jurors of the regular pannel were inserted as the jury who tried the cause, some of whom did not compose the jury who tried that cause. This was acquiesced in by the Court, and the attorneys of the defendant, being known to them. This was an irregularity which ought not to have been permitted. But this appears to the committee also to have been done without any corrupt view, but under a mistaken notion of the law.

The committee are therefore of the opinion that articles of impeachment ought not to be preferred against the said John W. Wright, and pray to be discharged from the further consideration of the subject.

Mr. Robbins made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred a resolution of the House, instructing said committee to inquire into the expediency of reporting a bill for levying and collecting from the citizens of Cass and Spencer counties, certain taxes in said resolution specified, have had the same under consideration and have directed me to report said resolution back to the House, and recommend its reference to the committee on Ways and Means.

The report of the committee was concurred in, and the resolution therein named referred to the committee of Ways and means.

Mr. Brenton made the following report:

MR. SPEAKER:

The Judiciary committee to whom was referred a resolution of the House, instructing them to inquire into the expediency of revising the probate system, and provide that the business done by the probate courts in this State, shall be transferred to the circuit courts, have had that subject under consideration and have directed me to report, that further legislation thereon is inexpedient, and ask to be discharged from its further consideration.

The committee was discharged accordingly.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared the engrossed, with the original bills of the House, as follows:

No. 19, extending the time of payment to borrowers of the Sinking, College, and Saline funds, and of the surplus revenue;

No. 63, to authorize the commissioners of Dubois county to levy a tax, *ad valorem*, for certain purposes therein named;

No. 66, for the relief of the trustees of the Methodist Episcopal Church, in the town of Columbus, in Bartholomew county;

No. 67, for the relief of the collector of the county revenue for Spencer county;

And find the same correctly engrossed.

Mr. Butler of C., made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills which originated in the Senate, of the following titles, and find the same duly enrolled; To wit:

No. 8, an act fixing the times of holding the probate courts in Marion county, and for other purposes.

No. 11, an act to amend the act entitled "an act to incorporate county libraries," approved February 17th, 1838.

Mr. Clark of T., made the following report:

MR. SPEAKER:

The committee on Education to whom was referred a bill (No. 13,) entitled "a bill to extend the time of final payment to purchasers of the 16th sections," have considered the provisions thereof, and have instructed me to report the said bill to the House without amendment, and to recommend its passage.

Which was concurred in, and bill No. 13, therein named, was read the third time and passed.

Mr. Boon, chairman of the committee on Claims, reported a bill for the relief of Mason M. Mariam;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Brown made the following report:

The committee on agriculture, to whom was referred the petition of sundry citizens of Clay and other counties of this state, on the subject of glandered horses, have had the same under consideration, and requested me to report the following bill;

No. 77, an act to prevent the spreading of the disease commonly called the glanders among horses.

Bill No. 77, named in the report was read the first time, and passed to a second reading on to-morrow.

Mr. Robinson made the following report;

MR. SPEAKER:

The committee on corporations to which was referred bill No. 59, entitled a bill to incorporate the "Madison Law Library Society," have had the same under consideration, according to order, and have directed me to report the same with an amendment, which amendment is the addition of three sections thereto, and to recommend the passage of the same so amended.

Bill No. 59, named in the report was read the second time, and ordered to be engrossed for a third reading on to-morrow.

The following reports were made by Mr. Farrington chairman of the committee on the state bank.

MR. SPEAKER,

The committee on the State Bank, to whom was referred that portion of the late Governor's message, which relates to the debt due the state bank, have had the same under consideration, and have bestowed upon it, that attention which its importance seemed to require.

Your committee do not regard it as necessary to advert to the manner in which this indebtedness originated, further than to state that it was created principally by advances of cash on the part of the bank, through its branches, to the board of fund commissioners, in the year 1839, under an arrangement subsisting between them, and which were to be re-imbursed by drafts payable in the eastern cities, some sixty days after the advances were made by the bank to the board of fund commissioners. These advances, including interest, amounting to about \$692,000, have never been repaid to the bank.

The justice of the claim is not questioned; and had the means of payment been at the command of the board, it would have been discharged.

At a period of such general embarrassment, as has visited the country for the last few years, to be deprived of so large an amount of its active means, has operated not only injuriously to the interests of the

bank, but to the citizens of the state. The effect of this indebtedness has been to curtail to an equal amount, the discounts the bank could otherwise have made to her customers, and consequently has withdrawn thus much of her means, which might have been employed in carrying forward the active business of the country. To preserve to the bank, a healthful and sound condition, it is essential her funds should be kept in active employment, and in a situation where they can be commanded in an emergency, at short periods. An observance of this policy is of primary importance in maintaining the ability of the bank to meet promptly her engagements, extending the sphere of her usefulness, and entitling her to the greatest degree of public confidence. And at no period, has this been more manifest, than under the circumstances which at present surround her. A return to specie payments during the ensuing month by the eastern banks, which is looked for, must speedily, if not simultaneously, be followed by a like movement by those of the west.

The situation of the state bank of Indiana, resulting from her ordinary operations, it is confidently believed, is as sound and healthful, as any banking institution in the west: and could she possess herself of the debt due from the state, in the early part of the coming year, she would be enabled not only to keep up her present line of discounts, but prudently extend them, and thus afford additional facilities to all the active business operations of the country. If a considerable portion of this debt cannot be made available, from necessity the amount of her circulation must be lessened, and a contraction in her business follow; and instead of adding to, must draw from the citizens a supply of funds, equal to what her necessities may require to sustain herself. These results your committee conceive to be so manifest, that they do not hesitate in recommending that some early legislative provision may be made, authorizing the negotiating of a loan, as soon as can be effected under favorable circumstances, to liquidate the debt; or that six per cent. bonds, in other respects similar to those authorized to be issued by the fund commissioners under the act providing for a general system of Internal Improvements, to an amount equal to the principal and interest due, may be delivered to the bank at par, in payment of the debt, if she will receive the same with these securities in her possession, if not equal to the money due, they will afford facilities for negotiating the means, which would probably be sufficient to enable her to meet the demands arising from a resumption of specie payments, and continue her usual course of business.

In recommending this action to the House, your committee have not confined their views to this item of the state's indebtedness alone, nor would they be considered as giving a preference to the liquidation of this claim over others. They believe the best interests of the state require, that the same legislative provision should be made, at as early a day as practicable, for the redemption of the out-standing treasury notes, for the payment of the balance due to contractors on the public works, and for work done on the Wabash and Erie Canal the present year. also for the interest accruing on the state debt the



coming year, and not provided for by the last legislature. And to enable the state to fund these liabilities, by a sale of state bonds on advantageous terms, it is absolutely necessary that the classification of the public works be put upon a permanent footing, and their further prosecution graduated to, and controlled by the means the state, shall possess after her current expenditures, and annual interests are provided for, by marshalling together all the available funds of the state, that can be made productive, and legally appropriated to this object, and ample provision is made for the balance of the annual liabilities that shall remain, by an efficient system of taxation. Without this being done, the credit of the state it is believed, cannot be placed on a permanent basis. Upon that credit is dependent measurably the further sale of our stocks; and but for the hope that it is to be sustained unimpaired, your committee would have deemed the measure they recommend, inexpedient.

Relying therefore upon a course of legislation in unison with these views, a majority of the committee direct me to report, as one of the measures of relief, to the present embarrassments of the state, the accompanying bill.

No. 78, Providing for the payment of the Bank debt.

Which was read the first time, and

On motion of Mr. Robinson,

Ordered to lie on the table, and 200 copies of the bill and report to be printed for the use of the members of the House.

MR. SPEAKER:

The committee on the State Bank to whom was referred the resolution inquiring into the expediency of prohibiting the emission or circulation of small bills or promissary notes as a circulating medium, (issued either by individuals or corporations,) by penal enactments, subjecting offenders to fine and imprisonment upon presentment and indictment, have had the same under consideration, and directed me to report the accompanying bill:

No. 69, a bill to prohibit the making, issuing, or circulating of small notes or bills.

Which was read the first time, and passed to a second reading on to-morrow.

On motion of Mr. Graham,

*Resolved*, That the committee of Ways and Means be instructed to inquire into the expediency of so amending the acts relative to county commissioners and justices of the peace acting as such, to give bond and approved security for the faithful performance of their duty.

On motion of Mr. Smydth of D.,

*Resolved*, That Jesse L. Williams, Chief Engineer of Indiana, be requested to lay before this House as soon as practicable, a tabular statement, shewing,

1st. The amount it will cost to complete the New-Albany and Vincennes McAdamized road.

2nd. The number of miles of said road completed, and the cost of the same.

3rd. The number of miles under contract for grubbing and grading, and what portion of said contracts is done, and the amount at which the same have been made, and what sum will be required to finish said contracts.

4th. What amount it will cost to metal said road to Mount Pleasant.

5th. The probable amount necessary to complete said road to Vincennes, exclusive of metalling and the two White river bridges.

6th. The probable time necessary to complete said road if properly prosecuted.

Mr. Butler of Vanderburgh, offered the following resolution:

*Resolved*, That a committee of two members from each Judicial circuit be appointed to report a bill to this House, apportioning the State into Senatorial and Representative districts.

Which resolution,

On motion of Mr. Boon,

Was laid upon the table.

Mr. Harding offered the following resolution:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of so amending the present law for loaning the surplus revenue, that it shall be the duty of the State officer having the superintendence of said fund, to appoint the Prosecuting Attorney to visit each county agent for the loaning of said fund, and to see that bonds are entered into by such agent; to examine and ascertain the true condition of said fund in each county; and to ascertain the amount lost, the probable amount that will be lost for want of proper security, either in agent or those to whom said fund is loaned; also to ascertain the amount loaned on real estate, and the amount on personal security, and all such other matters necessary; and that said Prosecuting Attorney's report be laid before the next General Assembly: And further, so to amend said law that if on demand made by the school commissioner of the proper county to the agent for such county, the interest due to said county for school purposes be not paid, that said school commissioner may be authorized to commence suit within ten days after such requisition, in the name of the State of Indiana, on the bond of such agent: And further to amend said law so that, on failure of the agent to pay the accruing interest, it shall be the duty of the boards doing county business, to dismiss said agent and appoint a suitable person in his place, to hold his office until the next session of the General Assembly, and until his successor is appointed and qualified.

On motion of Mr. Smith of F.

Said resolution was amended by inserting "circuit court," instead of "county commissioners."

And the resolution as amended was adopted.

On motion of Mr. Chiles,

The resolution offered by Mr. Butler of V. relative to senatorial and representative districts, was taken from the table;

Mr. Walpole moved to amend said resolution by striking out from the resolving clause and insert,

“That the select committee to whom was referred so much of the Governor’s message as referred to reducing the number of senators and representatives, be instructed to report a bill to this House, providing for the election of 40 Senators 80 Representatives.

Mr. Graham moved to amend by striking out all after the word “House.”

And the ayes and noes requested thereon by Messrs. Walpole and Brenton.

*Those who voted in the affirmative were,*

Messrs. Boon, Bowers, Bowles, Bradbury, Brown, Burgess, Burton, Butler of Cass, Butler of V. Casey, Chiles, Chrisman, Clark of F. Conner, Defrees, Dowling, Durbin, Elkins Farrington, Foote, Graham, Hanna, Harding, Harrah, Henley, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Lucas, M’Crillis, M’Cully, Miller, Montgomery of G. Morgan, Newell of W. Quick, Rawlings, Read, Rayburn, Rippey, Robbins, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Sloan, Smydth of D. Sweetser of G. Sweetser of M. Terrell and Welch—59.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blankenship, Brenton, Byers, Carr, Champer, Clark of D. Clark of T. Cole, Coleman, Conwell, Dunn, Dunbar, Freeman, Goodenow, Hamer, Harrison, Mason, Montgomery of W. Newell of F. North, Peck, Robinson, Rose, Ross, Shortridge, Smith of Fayette, Stanford, Stratton, Walpole, Wilson, Woodard and Mr. Speaker—34.

So said words were stricken out.

Mr. Smith of F. moved the following amendment.

And said committee are hereby instructed, to fix the apportionment upon such a basis as will give as near as practicable, eighty-four representatives and forty-two senators.

And the ayes and noes being requested thereon by Messrs. Boon and Bowles.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blankenship, Bradbury, Brenton, Burgess, Champer, Clark of T., Coleman, Conwell, Farrington, Freeman, Goodenow, Hamar, Hanna, Harrah, Harrison, Lancaster, Mason, Montgomery of G., Montgomery of W., Morgan, Newell of W., Peck, Quick, Robinson, Rose, Ross, Russell, Shawhan, Shortridge, Smydth

of D., Smith of F., Stanford, Stratton, Walpole, Wilson, Woodard, and Mr. Speaker—39.

*Those who voted in the negative were,*

Messrs. Boon, Bowers, Bowles, Brown, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Chiles, Chrisman, Clark of D., Clark of F., Cole, Conner, Defrees, Dowling, Dunn, Dunbar, Durbin, Elkins, Foote, Graham, Harding, Henley, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Leslie, Lucas, McCrillis, McCully, Miller, Newell of F., North, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rulon, Runyan, Saylor, Schoonover, Shanks, Sloan, Sweetser of G., Sweetser of M., Terrell, and Welch—55.

So said amendment was decided in the negative.

Mr. Henley moved to amend the proposed amendment, by inserting fifty Senators and one hundred Representatives, as near as practicable.

And the ayes and noes being requested thereon by Messrs. Conwell and Dunn,

*Those who voted in the affirmative were,*

Messrs. Boon, Bowers, Bowles, Brown, Burton, Butler of V., Byers, Casey, Chrisman, Clark of F., Defrees, Dunbar, Durbin, Foote, Henly, Houghton, Jenckes, Kerr, Kile, Lucas, McCully, Rawlings, Read, Rayburn, Ritchey, Rippey, Rulon, Runyan, Saylor, and Sloan—30.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blankenship, Bradbury, Brenton, Burgess, Butler of C., Carr, Champer, Chiles, Clark of D., Clark of T., Cole, Coleman, Conner, Conwell, Dowling, Dunn, Elkins, Farrington, Freeman, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Jones, Lancaster, Leslie, Mason, McCrillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Quick, Robbins, Robinson, Rose, Ross, Russell, Schoonover, Shawhan, Shortridge, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Welch, Wilson, Woodard, and Mr. Speaker—62.

So said amendment was lost.

Mr. Bowles moved to add; "And that said committee take for the basis of calculation the vote cast for Governor at the August election."

When, Mr. Smydth of D., moved the previous question,

Which was seconded, and the question being, shall the main question be now put?

Was decided in the affirmative.

Whereupon the main question was put, to-wit: Shall the resolution offered by Mr. Butler be adopted?

And the ayes and noes being demanded by Messrs. Boon and Bowles,

*Those who voted in the affirmative were*

Messrs. Ball, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of C., Butler of V., Casey, Champer, Chiles, Clark of D., Clark of T., Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Farrington, Foote, Freeman, Goodenow, Hamer, Hanna, Harrah, Harrison, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Mason, McCrillis, Miller, Montgomery of G., Morgan, Newell of W., North, Peck, Rawlings, Rayburn, Rippey, Rose, Ross, Rulon, Runyan, Russell, Saylor, Shawhan, Smydth of D., Smith of F., Stanford, Strattan, Sweetser of G., Sweetser of M., Terrell, Welch, Wilson, Woodard and Mr. Speaker.—64.

*Those who voted in the negative were*

Messrs. Atherton, Boon, Bowles, Burton, Byers, Carr, Chrisman, Clark of F., Cole, Dunbar, Elkins, Graham, Harding, Henley, Kile, Leslie, Lucas, McCully, Montgomery of W., Newell of F., Read, Ritchey, Robbins, Robinson, Schoonover, Shanks, Shortridge, Sloan, and Walpole.—29.

So said resolution was adopted.

On motion of Mr. Sweetser of M.,

*Resolved*, That the committee to whom was referred so much of the Governor's message as relates to the reduction of the number of Senators and Representatives, be discharged from the further consideration of that subject.

Mr. Read moved the adoption of the following resolution,

*Resolved*, That the committee hereafter to be appointed to which is referred that part of the Governor's message as relates to the apportionment, be instructed to take into consideration the vote cast in August last for Governor and Lieutenant Governor, as well as the returns made to the Secretary of State, agreeable to an act passed last session, and that the clerk of this House be instructed to furnish the chairman of said committee with a list of votes polled in each county.

On motion of Mr. Brenton,

The resolution was amended by striking out so much as refers to the Governor's vote.

Mr. Montgomery of G. moved to amend by adding: predicated on the returns made by the marshal of this state,

Pending which question,

On motion of Mr. Read,

The resolution and amendments were laid upon the table.

And the House adjourned.

2 o'clock, P. M.

The House met.

The Speaker announced the following members as a select committee on the resolution of Mr. Butler, for apportioning Senators and Representatives, to-wit: Messrs Montgomery of W., Wilson, Leslie, Miller, Woodard, Conwell, McCrillis, Butler of V., Robbins, Walpole, Rose, Stanford, Chiles, Kile, Hanna, Butler of C., Ball, Defrees, Chamber, Smyth of D., Elkins, and Sweetser of G.

#### BILLS INTRODUCED.

By Mr. Smith of F.—No. 80; To incorporate the Cennersville Musical Institute.

By Mr. McCrillis—No. 81; To revive the President and Trustees of the Dubois county Seminary.

By Mr. Runyan—No. 82; Defining the duties of petitioners for relocating seats of justice, and for other purposes.

By Mr. Sweetser of M.—No. 83; To amend an act entitled an act to provide for public printing and for the distribution of the laws and journals, approved Feb. 16th, 1839.

By Mr. Howe—No. 84; To establish a state road from the house of William Mitchell in Noble county, to Auburn in De Kalb county.

By Mr. Howe—No. 85; To establish a state road from Lagrange, in Lagrange county, to Northport in Noble county.

By Mr. Howe—No. 86; To establish a state road from Auburn, in De Kalb county, to the saw mill of William Cochran in Lagrange county.

Which were severally read the first time and passed to a second reading.

Bill No. 15 of the Senate, regulating the jurisdiction of justices of the peace in Fountain county,

Was read the third time and passed.

Bill No. 19; Extending the time of payment to holders of the Sinking, College and Saline Funds and of the Surplus Revenue

Was read the third time, and on the question, Shall the bill pass?

And the ayes and noes being demanded thereon by Messrs. Smith of F. and Sweetser of M.

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Boon, Bowers, Bradbury, Benton, Brown, Burgess, Burton, Butler of Cass, Byers, Casey, Cook of Fountain, Coleman, Conwell, Defrees, Foote, Freeman, Goodenow, Graham, Hanna, Harrah, Howe, Jones, Kile, Lancaster, Leslie, Mason, Mc-

Crillis, Miller, Montgomery of G., Morgan, Newell of White, Peck, Rayburn, Rippey, Ross, Shawhan, Sloan, Stanford, Strattan, Welch, Wilson, Mr. Speaker—44.

*Those who voted in the negative were*

Messrs. Bowles, Butler of Vanderburgh, Carr, Clark of Tippecanoe, Cele, Conner, Dowling, Dunn, Dunbar, Farrington, Hamer, Harding, Henley, Houghton, Jenckes, Kerr, Lucas, McCulley, Montgomery of W., Newell of Fountain, North, Read, Robbins, Russell, Schoonover, Shanks, Shortridge, Smith of Fayette, Sweetser of Grant, Sweetser of Marion, and Woodard—31.

So said bill passed.

Ordered that the Senate be informed thereof.

The following message was received from his Excellency the Governor by Mr. Moore, his private Secretary.

Mr. SPEAKER,

I am directed by the Governor to inform the House of Representatives that on Tuesday, the 22d instant, he approved and signed a joint resolution entitled,

“A joint resolution relative to the contract with the Morris Canal and Banking Company, for rail road iron, made by the Fund Commissioner, Milton Stapp, Esq.”

And that on this day he has approved and signed bills entitled acts, as follows, to-wit:

“An act to vacate a part of the town of Kirklin in Clinton county.”

“An act to appropriate a part of the three per cent fund belonging to Greene county, to purposes therein named.”

“An act to provide for the mode of doing township business in Miami county.”

All of which originated in the House of Representatives.

Mr. Butler from the committee on enrolled bills, made the following report:

Mr. SPEAKER,

The joint committee on enrolled bills, report that they did this day present to his Excellency the Governor, for his approval and signature the following entitled acts, which originated in the Senate, to-wit:

No. 8; An act fixing the times of holding the probate courts in Marion county, and for other purposes.

No. 11; An act to amend the act entitled an act to incorporate county libraries, approved February 19th, 1838.

Mr. Butler of Cass from the committee on enrolled bills made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they did this day present to his Excellency the Governor, for his approval and signature the following entitled act and joint resolution, which originated in the Senate, to-wit:

No. 5; An act to repeal an act entitled an act to provide for a more uniform mode of doing township business in the county of Randolph, approved January 21st, 1839.

No. 21; A joint resolution of the General Assembly of the State of Indiana, in relation to the selection of lands for the Wabash and Erie Canal.

Mr. Butler of Cass made the following report.

MR. SPEAKER—

The joint committee on enrolled bills report, that they did this day present to his Excellency the Governor, for his approval and signature the following entitled acts, to-wit:

No. 7; An act to appropriate a part of the three per cent. fund belonging to Greene county, to purposes therein named.

No. 17; An act to provide for the mode of doing township business in Miami county.

No. 6: An act to vacate a part of the town of Kirclin in Clinton county.

#### BILLS ON SECOND READING.

Bill No. 18, to extend the provisions of certain acts therein named to the county of Grant, was read the second time and ordered to be engrossed for a third reading on to-morrow.

Bill No. 19, of the Senate to amend an act to provide for the opening and repairing of public roads and highways in Gibson county, approved February 17, 1838.

Was read the second time and referred to the committee on roads.

Bill No. 69, making an appropriation to build a bridge across Laughery creek in Ripley county, where the state road leading from Napoleon to Lawrenceburgh crosses the same.

Was read the second time, when

On motion of Mr. Morgan,

The first section of said bill was amended by adding at the end of the third line thereof the following:

“Heretofore appropriated to the counties of Marion, Shelby, Decatur, Ripley and Dearborn.”

Which amendment was adopted.

On motion of Mr. Freeman,

Said bill and amendment were committed to the committee on roads.

Joint resolution No. 69, relative to the sub-treasury bill, was read the second time;



When Mr. Newell of F. moved its indefinite postponement.

And the ayes and noes being demanded thereon by Messrs. Newell of F. and Burton.

*Those who voted in the affirmative were,*

Messrs. Boon, Bowles, Burton, Byers, Carr, Casey, Clark of F. Conner, Dunbar, Graham, Henley, Kile, Lucas, M'Cully, Newell of F. Read, Rippey, Schoonover and Shanks—19.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of Cass, Butler of V. Champer, Chiles, Clark of D. Clark of T. Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Farrington, Foote, Freeman, Goodenow, Hamer, Hanna, Harding, Harrah, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Leslie, Mason, M'Crillis, Miller, Montgomery of G. Montgomery of W. Morgan, Newell of W. North, Peck, Rayburn, Robbins, Robinson, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Sloan, Smydth of D. Smith of F. Stanford, Stratton, Sweetser of G. Sweetser of M. Walpole, Welch, Wilson, Woodard and Mr. Speaker—65.

So said joint resolution was not indefinitely postponed.

Mr. Henley moved to recommit said joint resolution to the committee on Federal relations with the following instructions:

“To report an amendment providing for some safe method of collecting, keeping and disbursing the public revenue, in lieu of the independent treasury law now in force, and proposed by this resolution to be repealed.”

Mr. Montgomery of Warren,

Moved to amend the instructions as follows:

“Strike out that portion which relates to a sure and safe method of keeping and disbursing the public revenue, and insert: and provided the chartering a United States Bank, such as the Congress of the United States may in their wisdom devise.”

When Mr. Clark of T. called for a division of the question, (being on committing.)

And the ayes and noes being demanded thereon by Messrs. Henley and Burton.

*Those who voted in the affirmative were,*

Messrs. Ball, Boon, Bowers, Bowles, Brown, Burgess, Burton, Butler of C. Byers, Carr, Casey, Clark of F. Dunbar, Graham, Henley, Lucas, M'Cully, Newell of F. Read, Rippey, Rulon, Schoonover and Shanks—23.

*Those who voted in the negative were,*

Messrs. Atherton, Bradbury, Brenton, Butler of V. Champer, Chiles, Clark of D. Clark of T. Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Farrington, Foote, Freeman, Goodenow, Hamer, Hanna, Harding, Harrah, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, M'Crillis, Miller, Montgomery of G. Montgomery of W. Morgan, Newell of W. North, Peck, Rayburn, Robbins, Robinson, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Sloan, Smydth of D. Smith of F. Stanford, Stratton, Sweetser of G. Sweetser of M. Walpole, Wilson, Woodard and Mr. Speaker—61.

And so said motion was lost.

And the question recurring on the engrossment of the joint resolution.

And the ayes and noes being demanded thereon by Messrs. Graham and Sweetser of M.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of C. Butler of V. Champer, Chiles, Clark of D. Clark of T. Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Farrington, Foote, Freeman, Goodenow, Hamer, Hanna, Harding, Harrah, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, M'Crillis, Miller, Montgomery of G. Montgomery of W. Morgan, Newell of W. North, Peck, Rayburn, Robbins, Robinson, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Sloan, Smydth of D. Smith of F. Stanford, Stratton, Sweetser of G. Sweetser of M. Walpole, Welch, Wilson, Woodard and Mr. Speaker—66.

*Those who voted in the negative were,*

Messrs. Boon, Bowles, Burton, Byers, Carr, Casey, Clark of F. Conner, Dunbar, Graham, Henley, Lucas, M'Cully, Newell of F. Read, Rippey, Rulon, Schoonover and Shanks—19.

So said joint resolution was ordered to be engrossed, and read a third time on to-morrow.

Joint resolution No. 70, relative to a bankrupt law was read the second time, when

Mr. Henley, moved to amend as follows:

"Make the law applicable to corporations as well as individuals."

Mr. Dunn moved that the resolution and amendments be indefinitely postponed.

Which motion did not prevail.

Mr. Mason moved that the resolution and amendments be referred to the judiciary committee.

And before any decision was had thereon,

On motion of Mr. Defrees,

The resolution and amendments were laid on the table.

Bill No. 73, for the preservation of sheep, was read the second time, when

On motion of Mr. Freeman,

Greene county was inserted therein, so as to be embraced within the provisions thereof.

And the bill was ordered to be engrossed, and read a third time on to-morrow.

Joint resolution No. 71, for the relief of David Bowles, was read the second time, and referred to the committee on Canals and Internal Improvements.

Bill No. 72, to authorize the State of Michigan to make certain improvements in the St. Joseph river, and for other purposes;

Was read the second time, and referred to the judiciary committee.

The House on motion, adjourned until to-morrow morning 9 o'clock.

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FRIDAY, DEC. 25th, 1840.

The House met pursuant to adjournment,

The Speaker laid before the House a communication relative to the New Albany and Vincennes McAdamized road;

Which was referred to the committee on Canals and Internal Improvements.

The Speaker also laid before the House a communication from Jonathan Elliott;

Which was referred to the committee on the State Library.

The Speaker also laid before the House, a communication from Samuel Milroy, Indian agent, relative to the Miami Indians;

Which was referred to the committee on the Judiciary.

The Speaker also laid before the House a communication from Maj. Charles Larabee, a soldier of the late war;

Which was referred to the committee on Federal relations.

On motion of Mr. Chamber, a call of the House was ordered.

Upon calling the roll, the members all answered to their names excepting Messrs. Blair, Blankenship, Chiles, Chrisman, Coleman, Farington, Harrah Harrison, Lucas, Quick, Rawlings, Ritchey, Saylor, Terrell, Walpole, and Wilson:

Who were ordered to be noted as absentees.

Messrs. Zenor and Jenckes were excused from the service of the House, in consequence of indisposition.

Mr. Read moved to suspend any further proceedings connected with the call of the House;

Which motion did not prevail, when

On motion of Mr. Clark of T. the call was suspended.

Mr. Butler of V. moved that the House adjourn until Monday morning 9 o'clock.

And the ayes and noes being called for by Messrs. Jones and Peck.

*Those who voted in the affirmative were,*

Messrs. Bowles, Brenton, Brown, Butler of V. Butler of C. Casey, Clark of F. Defrees, Houghton, Mason, Newell of W. and Smith of F.—12.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Boon, Bowers, Bradbury, Burgess, Burton, Byers, Carr, Champer, Clark of D. Clark of T. Cole, Conner, Conwell, Dowling, Dunn, Dunbar, Durbin, Elkins, Foote, Freeman, Goodenow, Graham, Hamer, Hanna, Harding, Henley, Howe, Jones, Kerr, Kile, Lancaster, Leslie, M'Crillis, M'Cully, Miller, Montgomery of G. Montgomery of W. Morgan, Newell of F. North, Peck, Read, Rayburn, Rippey, Robbins, Robinson, Rose, Ross, Rulon, Runyan, Russell, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smydth of D. Stanford, Stratton, Sweetser, of G. Sweetser of M. Welch, Woodard and Mr. Speaker—66.

So the House refused to adjourn until Monday morning.

Mr. Boon moved to reconsider the vote just taken, upon adjourning until Monday morning.

Upon which the ayes and noes were demanded by Messrs. Jones and Stanford.

*Those who voted in the affirmative were,*

Messrs. Boon, Bowles, Brenton, Brown, Butler of C. Butler of V. Casey, Clark of F. Defrees, Houghton, Mason and Newell of W.—12.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Bowers, Bradbury, Burgess, Burton, Byers, Carr, Champer, Clark of D. Clark of T. Cole, Conner, Conwell, Dowling, Dunn, Dunbar, Durbin, Elkins, Foote, Freeman, Goodenow, Graham, Hamer, Hanna, Harding, Henley, Howe, Jones, Kerr, Lancaster, Leslie, M'Crillis, M'Cully, Miller, Montgomery of G. Montgomery of W. Morgan, Newell of F. North, Peck, Read, Rayburn, Rippey, Robbins, Robinson, Rose, Ross, Rulon, Runyan, Russell, Schoonover, Shawhan, Shortridge, Sloan, Smydth of D. Smith of F. Stanford, Stratton, Sweetser of G. Sweetser of M. Welch, Woodard and Mr. Speaker—66.

The motion to reconsider was lost.

Mr. Freeman moved to adjourn until to-morrow morning 9 o'clock, upon which motion, the ayes and noes were ordered by Messrs. Freeman and Butler of V.

*Those who voted in the affirmative were,*

Messrs. Boon, Bowles, Bradbury, Brenton, Brown, Burgess, Butler of C. Clark of F. Clark of T. Conwell, Defrees, Dowling, Dunn, Durbin, Freeman, Hanna, Houghton, Lancaster, Leslie, M'Crillis, Miller, Montgomery of G. Montgomery of W. Read Rayburn, Robinson, Rose, Ross, Rulon, Runyan, Russell, Shanks, Shortridge, Smith of F. Stanford, Sweetser of G. Sweetser of M. and Mr. Speaker—38.

*Those who voted in the negative were,*

Messrs. Atherton Ball, Bowers, Burton, Butler of V. Byers, Carr, Casey, Champer, Clark of D. Cole, Conner, Dunbar, Elkins, Foote, Goodenow, Graham, Hamer, Harding, Henley, Howe, Jones, Kerr, Mason, M'Cully, Morgan, Newell of F. Newell of W. North, Peck, Rippey, Robbins, Schoonover, Shawhan, Sloan, Smydth of D. Stratton Welch and Woodard—39.

So the House refused to adjourn until to-morrow morning.

Mr. Bowles presented the petition of sundry citizens of Orange county, in reference to declaring Patoca river navigable.

Also a petition of the citizens of Orange county, relative to the Troy and Paoli state road;

Both of which were referred to the committee on roads.

The House on motion, adjourned until to-morrow morning 9 o'clock.

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## SATURDAY DECEMBER 26th, 1840.

The House met pursuant to adjournment.

Mr. Byers presented the petition of Perry Woodall, asking the names of Sarah, Catharine, Edward, Margaret Jane, George D. and Mary Armstrong to be changed to the name of the petitioner.

Which was referred to a select committee of Messrs. Byers, Carr and Robinson.

The following message was received from the Senate by Mr. Harris a member:

MR. SPEAKER—

I have been directed by the Senate to inform the House of Repre-

sentatives that the Senate has passed the following engrossed bill thereof, to-wit:

No. 36; An act for the relief of John Brookbank of Carroll county.

In which the concurrence of the House of Representatives is very respectfully requested.

Bill No. 36, named in the message, was read the first time and passed to a second reading on Monday next.

A message from the Senate, by Mr. Maguire, their Secretary,

MR. SPEAKER—

The Senate has passed an engrossed bill thereof, entitled

No. 23—To vacate the town of Harrison, in Delaware county,

In which the concurrence of the House of Representatives is requested.

Bill No. 23, named in the message, was read the first time and passed to a second reading on Monday next.

Mr. Smith of F. made the following report:

MR. SPEAKER—

The committee on Canals and Internal Improvements, to whom was referred the petition of M. S. Wines, praying to be exonerated from the forfeiture incurred for non-payment of interest on canal lands, have had the subject embraced in the petition under consideration, and have directed me to report a bill, entitled "A bill for the relief of Marshall S. Wines."

Which was read the first time and passed to a second on Monday next.

Mr. Smith of F. also made the following report:

MR. SPEAKER—

The committee on Canals and Internal Improvements to whom was referred the petition of John Vawter and others, praying for the passage of a law authorising the transportation of the United States' mail, over rail road bridges, have had the subject embraced in said petition under consideration, and have directed me to report a bill, entitled "A bill to authorize the transportation of the United States' mail over the bridges upon the Madison and Indianapolis Rail Road."

Which was read the first time and passed to a second reading on Monday next.

On motion of Mr. Mason,

*Resolved*, That Thomas H. Sharp, Agent of State for the town of Indianapolis, be required to report to this House, at as early a day as possible, the number of town lots unsold, and whether the same be in or out-lots, and the number of said unsold lots, and the probable value thereof—Also the amount due the state for lots previously sold: Also the number of lots sold and paid for, for which titles have not

been made; also the amount, if any, of land belonging to the State adjoining the town plat, and the probable value of such land.

Mr. Champer offered for adoption the following resolution,

*Resolved*, That the Principal Engineer be requested to lay before this House, at as early a day as practicable, the amount expended on that part of the Indianapolis and Lafayette turnpike road, north of Crawfordsville, the amount necessary to finish the grading and bridging the same; and as near as practicable the amount it will require to finish said part of said road, together with such other information in relation to the same as he may deem expedient.

Mr. Read moved to amend, by adding after the word Crawfordsville, "Jeffersonville and Crawfordsville turnpike road."

Which was agreed to.

The resolution, as amended, was then adopted.

Mr. Bowers offered for adoption the following preamble and resolution.

Whereas, It has become customary of late years for the Legislature to adjourn for eight or ten days during the Christmas holydays, or for so many of the members to absent themselves from the House during said holydays as to prevent the remaining members from discharging their duties. And whereas, the number of empty seats in this House indicate a similar state of things, the present session, unless some remedy is applied to prevent it. Therefore,

*Resolved*, That the rules of this House, requiring the attendance of members be strictly adhered to during the ensuing week, and that every member violating the same be dealt with in the most judicious manner.

On motion of Mr. Burton,

The resolution was amended by striking out the words "ensuing week" and insert "the remainder of the session."

Mr. Read moved that the resolution and amendment be laid on the table.

Which motion did not prevail.

Mr. Durbin moved to strike out "judicious" and insert "according to the rules of this House."

Which motion prevailed.

Mr. Smith of F. moved that the resolution and amendments be laid upon the table.

Which motion did not prevail.

When the resolution, as amended, was adopted.

On motion of Mr. Jones,

A call of the House was ordered.

Upon calling the roll it appeared that

The members were all present excepting Messrs. Atherton, Blair, Blankenship, Brenton, Chiles, Chrisman, Coleman, Farrington, Harrah, Harrison, Lucas, McCoy, Quick, Rawlings, Ritchey, Saylor, Shortridge, Terrell, Walpole and Wilson—19.

Mr. Jenckes was excused from the service of the House in consequence of indisposition.

Mr. Read moved to suspend the further call of the House.

Which was not agreed to.

On motion of Mr. Jones,

Ordered that the absent members be sent for.

Mr. Freeman moved that the House do not prosecute the call any further,

Which was agreed to; when,

Mr. Boon moved an adjournment of the House until Monday morning 9 o'clock,

Which motion did not prevail.

On motion of Mr. Stanford,

*Resolved*, That the committee on Elections be directed to inquire what amendments (if any) are necessary to the law governing elections, relative to foreigners, as to what shall render them eligible to vote—whether the oath of abjuration and certificate thereof, or the final certificate of naturalization; with leave to report by bill or otherwise.

On motion of Mr. Dowling,

*Resolved*, That the Chief Engineer be requested to communicate to this House, without delay, the number of sections completed on the Cross-Cut Canal between Terre-Haute and the feeder dam—the number of sections yet to be completed—the probable cost of rendering said Canal available, with such information in regard to the probable tolls and water power as may be in his possession.

Mr. Leslie offered the following preamble and resolution:

Whereas, The subject of the distribution of the public lands is becoming a question of absorbing interest to the States; And Whereas, The state of Indiana has a deep stake therein; And whereas, erroneous impressions, as is believed, have gone abroad as to the amount received by this state under the compact, and subsequent acts of Congress; Therefore,

*Resolved*, That a select committee be appointed, to inquire into and make a report to this House,

1st, The constitutional principles on which the Territory of Indiana, had a right to be admitted as a state of the Union,

2d, The nature of the compact, made between the United States, and the convention of said Territory, in relation to the reservation of lands to the state and the return made by the state therefor,

3d, Whether the said compact has been strictly adhered to by the State and general government, in respect of such reservation and return,

4th, The nature and extent of donations in land made to the State, and the compensation given by the state for such donation.

Which was adopted.

Messrs. Leslie, Butler of V. and Robinson were appointed said committee.

On motion of Mr. Runyan,

*Resolved*, That a select committee be appointed to inquire into the expediency of providing by law for the appropriation on the Michigan road, all the road work or labor, required by law to be performed by



any hands residing in any road district which said road may pass through; with leave to report by bill or otherwise.

Messrs. Runyan, Brown and Harding were appointed said committee.

Mr. Carr offered the following resolution,

*Resolved*, That the Fund Commissioner now in Indianapolis, report to this House, at his earliest convenience, the amount of State Bonds sold at a discount, since the commencement of the system of Internal Improvement; the date of the sale: to whom sold; and rate of discount in each particular case, together with the total amount of loss to the State by said sales.

To which Mr. Smydth of D. moved the following amendment,

“Also the amount of said bonds sold at a premium and the amount gained to the state by such sales.”

Mr. Burton moved to amend the amendment by adding the following,

“And also the amount lost by the sale of bonds to insolvent companies.”

Before any decision was had thereon,

On motion of Mr. Butler of V.,

The resolution and amendments were laid upon the table.

On motion of Mr. Rippey,

*Resolved*, That the Chief Engineer be requested to lay before this House a tabular statement of the amount of work done on the Erie and Michigan canal, and the probable cost of completing the same from its feeders to Fort Wayne, in addition to the amount of labor now done thereon, and whether any alterations have been made in the said canal or its feeder, with a view of supplying the Wabash and Erie Canal east of Fort Wayne with water, and if so what these alterations have been; and also the probable amount of available water power made in constructing said canal, together with such other information as he may deem practicable.

On motion of Mr. Welch,

*Resolved*, That the Principal Engineer on the Madison and Lafayette Rail Road be requested to lay before this House, at as early a day as practicable, the number of contracts on said road between Vernon and Columbus that are now completed, and what number in all probability will be completed by the first of August next.

On motion of Mr. Dunbar,

*Resolved*, That the committee on roads be instructed to inquire into the expediency of providing by law, that hereafter when any road shall be laid out or altered by commissioners appointed by the board doing county business, it shall be necessary in addition to the duties already imposed upon said commissioners, to return a plat or diagram of said road—the expenses of surveying and making such plat or diagram to be paid by the petitioners for such road or alteration; with leave to report by bill or otherwise.

On motion of Mr. Champer,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law of this state relating to paupers

that if any person shall hereafter bring into, or harbor any pauper in any county in this state, until such pauper shall have gained a residence, the person so doing shall be subjected to some adequate punishment; and report by bill or otherwise,

On motion of Mr. Montgomery of W.,

*Resolved*, That the Chief Engineer of the State of Indiana be requested to furnish the select committee appointed for the purpose of classifying the public works, with a plot of said works, their situation relative to the counties through which they pass, and the most important towns situated thereon, the length of the several works respectively, with such other information as in his view will assist and expedite the transactions of said committee.

On motion of Mr. Durbin,

*Resolved*, That the committee of ways and means be instructed to lay before this House, at as early a day as possible, the best plan they can devise for meeting all the liabilities of this State for the year '41 add '42.

Mr. Howe introduced a joint resolution No. 89 to instruct our Senators and request our Representatives to use their exertions to procure the passage of an act fixing certain duties on imported silks,

Which was read the first time and passed to a second reading on Monday next.

#### BILLS INTRODUCED.

By Mr. Dunn—Bill No. 90; to amend an act "entitled an act to authorize Daniel J. & Isaac Hancock to build a toll bridge across South Hogan.

By Mr. Durbin—Bill No. 91; An act to amend an act entitled "an act to incorporate the Patriot Silk and Trading Company;"

Which were read the first time and passed to a second on Monday next.

Mr. Smith of F. asked and obtained leave to make a report from the committee on canals and internal improvements.

Mr. SPEAKER—

The committee on canals and internal improvements to which was referred a joint resolution, entitled "A joint resolution for the relief of David Rowles," have had the same under consideration and have directed me to report the same to the House with the following amendments, to-wit: strike out the resolution and insert the following,

Mr. Smith's amendment was then read the second time, and,

On motion of Mr. Mason,

Was amended by adding the following: "And on condition that he suspend further operations on the work,"

Said bill was then ordered to be engrossed for a third reading on Monday next.

Mr. Harding introduced a bill, No. 92, requiring the commissioners of the White River Bridge to make a settlement.

Which was read a first time and passed to a second reading on Monday next.

Mr. Shanks made the following report,

Mr. SPEAKER—

The committee on engrossed bills have compared the engrossed with the original bills of the House, as follows:

No. 59—A bill to incorporate the Madison Law Library Society.

No. 69—A joint resolution relative to the Sub-Treasury Bill.

No. 73—A bill for the preservation of sheep.

And find the same correctly engrossed.

The House then proceeded to the

#### ORDERS OF THE DAY.

Bill No. 73—An Engrossed bill of the House for the preservation of sheep.

Was read third time, when,

Mr. Henley moved to re-commit the bill to a select committee “with instructions to add all the counties of the absent members.”

Which was decided in the negative,

When, the bill passed.

Ordered that the Senate be informed thereof.

No. 69—A joint resolution relative to the Sub-Treasury,

Was read the third time, when,

Mr. Smydth of D. moved that it be laid on the table.

Which motion did not prevail.

And the question then recurring on the passage thereof,

And the ayes and noes being demanded thereon by Messrs. Henley and Burton,

*Those who voted in the affirmative were*

Messrs. Ball, Bowers, Bradbury, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Champer, Clark of Dearborn, Clark of Tippecanoe, Cole, Conner, Conwell, Defrees, Dunn, Durbin, Elkins, Foote, Freeman, Goodenow, Hamer, Hanna, Harding, Houghton, Howe, Jones, Kerr, Kile, Lancaster, Leslie, Mason, McCrillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of White, North, Peck, Rayburn, Robbins, Robinson, Rose, Ross, Runyan, Russell, Shawhan, Sloan, Smydth of Davies, Smith of Fayette, Stanford, Strattan, Sweetser of Grant, Sweetser of Marion, Welch, Woodard, and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Boon, Bowles, Burton, Byers, Carr, Casey, Clark of F., Dunbar, Graham, Henley, McCully, Newell of Fountain, Read, Rippey: Schoonover, Shanks—16.

So said joint resolution passed.

Ordered that the Senate be informed thereof.

No. 18—An Engrossed bill to extend the provisions of certain acts therein named to the county of Grant; and

No. 59—An engrossed bill to incorporate the Madison Law Library Society,

Were read the third time and passed.

Ordered that the Senate be informed thereof.

BILLS READ A SECOND TIME.

No. 75—A bill to authorize the State Bank of Indiana to issue notes of a less denomination than five dollars,

Was read the second time, when;

Mr. Sweetser moved to commit it to the committee of the whole House, and make it the order of the day for *Monday* next,

Which did not prevail; when,

On motion of *Mr. Robinson*,

The bill was laid upon the table.

No. 76—For the relief of *Mason M. Meriam*,

Was read a second time and referred to the committee of ways and means.

No. 77—A bill to prevent the spreading of the disease commonly called glanders, among horses.

Was read a second time,

*Mr. Sweetser* of *M.* moved to amend by striking out the words "by action before any justice of the peace," and insert "by presentment or indictment before any court of competent jurisdiction.

Which amendment prevailed.

*Mr. Clark* of *Tip.*, moved to strike out the word "twenty" before dollars, and insert "ten,"

Which was decided in the negative.

The bill was then ordered to be engrossed and read a third time on *Monday* next.

No. 79—A bill to prohibit the making, issuing or circulating small notes or bills,

Was read the second time and committed to a committee of the whole House and made the order of the day for *Monday* next.

No. 80—A bill to incorporate the *Connersville* musical Institute; and

No. 81—A bill to revive the President and trustees of the *Dubois* county Library,

Were read the second time and ordered to be engrossed for a third reading on *Monday* next.

No. 82—A bill defining the duties of petitioners for re-locating seats of justice, and for other purposes,

Was read the second time, and before any vote was taken on the engrossment thereof,

On motion of Mr. Stanford,  
The House adjourned until Monday morning 9 o'clock.

MONDAY, DEC. 28, 1840.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Elliot, a member:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof No. 30, entitled,

'An act to amend an act entitled "an act regulating Grist Mills and Millers," approved February 10th, 1831."

In which the concurrence of the House is respectfully requested.

Which bill named in the message was read the first time and passed to a second reading on to-morrow.

A message from the Senate by Mr. Maguire their Secretary.

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed engrossed bills of the Senate entitled as follows, viz:

No. 25, to amend an act entitled an act subjecting real and personal estate to execution; approved Feb. 4, 1831.

No 26, for the relief of William H. Evans; and

No. 24, to incorporate the St. Gabriel College.

In which the concurrence of the House of Representatives is respectfully requested.

The Senate has also passed bills of the House of Representatives entitled as follows:

No. 15, an act for the relief of Benedict O'Neal.

No. 20, an act to authorize the Board of Commissioners and the Probate Court of Jackson county to hold the sessions of their respective courts in the Clerk's office of said county.

No. 21, an act to incorporate the Owen county band of Gosport.

No. 22, an act to provide a more uniform mode of doing township business in the county of Elkhart.

No. 29, an act to provide for a more uniform mode of doing township business in the counties of Lagrange, Steuben, DeKalb and Noble.

No. 34, an act repealing so much of an act approved Feb. 24, 1840, as relates to Union county.

No. 37, an act to vacate the town plat of the village of Charlottesville in Kosciusco county, Indiana.

No. 42, an act for the relief of William Truelock; and

No. 67, an act for the relief of the Collector of the county revenue for Spencer county.

Bills No. 24, 25, and 26, named in the message were severally read the first time and passed to a second reading on to-morrow.

Mr. Conwell presented the petition of sundry citizens of Franklin county, relative to an alteration in a State road;

Which was referred to a select committee of Messrs. Conwell, Cole, and Dunn.

Mr. Atherton made the following report:

**MR. SPEAKER:**

The committee on Elections to whom was referred a resolution of this House, directing them to inquire into the expediency of confining voters in all elections to the townships in which they reside, and also a petition of sundry citizens of Elkhart county on the same subject, have directed me to report a bill,

No. 93, to amend the act entitled an act to regulate general elections;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Morgan made the following report:

**MR. SPEAKER:**

The committee on roads to whom was committed No. 69, entitled "A bill making an appropriation to build a bridge across Laughery creek in Ripley county, where the State road leading from Napoleon to Lawrenceburgh crosses the same," have had the same under consideration and instructed me to report it back with one amendment, in which the concurrence of the House is respectfully requested;

Which is to insert after the word 'suspended,' in the third line of the 4th section: "in the counties of Marion, Shelby, Decatur, Ripley, and Dearborn."

Which was concurred in; when,

On motion of Mr. Sweetser of M.,

The bill was re-committed to a select committee of Messrs. Sweetser of M., Cole, Lucas, Bowers and Blair.

Mr. Smith of Fayette, from the committee on Canals and Internal Improvements, made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvements to whom was referred a resolution directing them "to report a bill embracing a complete system of receipt and disbursement of the Internal Improvement funds, so that the same may be made to pass through the books of the Auditor and Treasurer, in the same manner as is provided by law for the receiving and disbursing the ordinary receipts and expenditures of the State," have, in compliance with said resolution, directed me to report a bill, No. 94, entitled,

"A bill to regulate the receipt and disbursement of the Internal Improvement funds."

Which bill was read the first time and passed to a second reading on to-morrow.

Mr. Smydth of D., made the following report:

MR. SPEAKER:

The select committee to whom was referred sundry resolutions on the subject of revising the law in relation to the mode of summoning Grand and Petit Jurors have, according to order, considered that subject and directed me to report the accompanying bill;

No. 95, to provide for the selection of Grand and Petit Jurors.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Burton made the following report:

MR. SPEAKER:

The Select committee to whom was referred the petition of Sam'l Miles and others, in relation to the vacation of a part of the town of Bowling-Green, have had the same under consideration, and have directed me to report a bill, No. 96, to vacate a part of the town of Bowling-Green, in Clay county.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Montgomery of Gibson, made the following report:

MR. SPEAKER:

The select committee to whom was referred a resolution to inquire into the expediency of incorporating a company to construct a canal across the Big Marsh in Gibson county, from the spread or mouth of the Maumee creek to the Wabash river, a distance of about four miles, have according to order, had the same under their consideration, and have directed me to report an act of incorporation;

A bill No. 97, to incorporate the Maumee and Wabash canal company;

Was read the first time and passed to a second reading on to-morrow.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have compared the engrossed with the original bills of the House, as follows:

No. 71, a joint resolution for the relief of David Rowles;

No. 77, a bill to prevent the spreading of the disease commonly called the Glanders, among horses;

No. 80, a bill to incorporate the Connersville Musical Institute;

No. 81, a bill to revive the President and Trustees of the Dubois county Library;

And find the same correctly engrossed.

On motion of Mr. Mason,

*Resolved*, That the committee of ways and means be instructed to report a bill or a provision in the revenue law, requiring the Auditor to procure from the several land offices, such tract books as will enable him to furnish each county that is not already furnished, a full and complete tract book including the lands un-entered, as well as those that have been entered.

Mr. Morgan asked and obtained leave to make a report from a select committee.

MR. SPEAKER:

The select committee to whom was referred a resolution (No. 22,) instructing them to inquire into the expediency of making a complete revision of the estray law. Also resolution No. 26, instructing them to inquire into the expediency of making such amendments to the estray laws now in force as they may deem requisite, have had the same under consideration, and upon reference to the statutes they find the estray law now in force, scattered through the statutes from 1831 up to 1840, and are of the opinion that the public good imperiously demands a complete revision of said law, and have instructed me to report the following bill:

No 98, regulating the taking up of estrays, and water crafts and other articles of value adrift.

Which was read the first time and passed to a second reading on to-morrow.

On motion of Mr. Champer,

*Resolved*, That Mr. Williams, the Principal Engineer for the state of Indian, transmit to this House as soon as possible, a tabular statement in gross on each of the public works included in the system of Internal Improvements proper, showing the following facts, viz: 1st the original estimates; 2d the amount of labor done and under contract:



3d, the sums of money already expended: 4th, what amount it will require to finish each work.

On motion of Mr. Butler of C.

*Resolved*, That the Auditor of Public Accounts be requested to make known to this House, whether he has furnished the different clerks in this state, a list of lands that became taxable for the first time last year, and if not the reason for such omission.

On motion Mr Champer,

*Resolved*, That the committee on corporations be instructed to report to this House, a bill embracing all the general provisions of incorporation now in force, together with such other provisions as they may deem necessary, to prevent as far as possible the great demand for special legislation on this subject.

On motion of Mr. Conner,

*Resolved*, That the Fund Commisisoner now here, be requested to report to this House, the whole amount of bonds sold, the time and amount of each sale, to whom sold, the terms of sale, and the amount received on each sale, and the purpose for which each such sale was made and the balance due yet on each sale.

Also what application has been made of the proceeds of such funds, designating the amount expended on each of the lines of Internal Improvements, the Wabash and Erie canal inclusive, also the amount applied to banking, and any and every other purpose to which any of said funds have been applied, and the amount yet unexpended if any, and the purposes to which said unexpended funds are applicable.

On motion of Mr. Shawhan,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of so amending the fifth section of an act, entitled an act to license and regulate taverns and groceries, approved Feb. 3d, 1832, so as to allow the freeholders of any town or township, to remonstrate against the granting of any license to retail spirituous or strong liquors in their respective town or townships by voting at their spring elections, for or against the granting the same, and report by bill or otherwise.

On motion of Mr. Sweetser of M.

*Resolved*, That the select committee heretofore appointed to cause an inventory of the books in the State Library to be taken, have leave to employ some other person to do the same upon the cheapest terms possible.

Mr. Cole offered the following preamble and resolution:

Whereas, by a combination of causes, foreign as well as domestic, unnecessary here to enumerate, a crisis has arived in the opinion of this General Assembly, when it has become the duty, as well as we believe it to be the inclination of every good citizen of the State to cheerfully submit as well to a rigid economy in expenditure of the public moneys, as an increase of taxation, which it will become necessary for this General Assembly to impose upon them, in order to save unimpaired the public faith and credit of the State: And whereas the necessities of the State at this time imperiously demand, that every legitimate

source of revenue should be resorted to, as well as the agricultural interest of the country, hitherto in the foremost rank of taxation; and that there should be as few cases of exemption and privilege as possible, especially when the honor and credit of the State is involved: Therefore,

*Resolved*, That the committee of Ways and Means inquire into the propriety of imposing a tax for a limited period, of not more than five dollars upon each practicing Physician, Attorney and Counsellor at Law, and such other of the learned professions in this State, (to be by said committee enumerated,) as they shall believe to be just and equitable; with leave to report by bill or otherwise.

Which was adopted.

On motion of Mr. Henley,

*Resolved*, That Samuel Merrill, Esq., President of the State Bank of Indiana, be requested to communicate to this House, as soon as convenient, answers to the following interrogatories, to wit:

Is it your opinion that the State Bank of Indiana can maintain a larger amount of circulation than it now has without an increase of specie?

What effect would the issuing of small bills by the bank, have upon the circulation of specie for change?

Can the bank keep out a larger amount of circulation in bills, below the denomination of five dollars, than it could in fives and tens?

As the bank is limited in its issues in proportion to the amount of specie paid in, what advantage would result from the substitution of small bills for the present circulation?

Would you consider the issuing of small bills by the bank, an improvement or abasement of the currency?

What effect would the issuing of small bills by the bank of Indiana, be likely to have upon the credit and character of her paper in the eastern cities?

#### BILLS INTRODUCED.

By Mr. Smith of F., bill No. 99, to prevent speculation by Collectors in treasury notes;

Which was read the first time and passed to a second reading on to-morrow.

By Mr. Judah, bill No. 100, to provide for the payment of interest on the public debt;

Which was read the first and second times, (the rules being dispensed with,) laid upon the table, and two hundred copies ordered to be printed.

By Mr. Mason, bill No. 101, to change the time of the annual meeting of the Legislature;

By Mr. Mason, bill No. 103, to provide for the revision of the laws;

By Mr. Cole, bill No. 102, to amend an act entitled "an act for the prevention of frauds and perjuries;"

By Mr. Montgomery of G., No. 104, to authorize Thomas L. Hines to establish a ferry therein named;

By Mr. Kerr, bill No. 105, to amend an act entitled "an act relative to roads in Park county;"

By Mr. Dunbar, bill No. 106, to authorize probate judges to issue writs of Habeas Corpus and proceed to trial thereon;

By Mr. Read; bill No. 107, to amend an act authorizing the appointment of Pilots at the Falls of Ohio, approved February 7th, 1825.

Which were severally read the first time and passed to a second reading on to-morrow.

The House then proceeded to the orders of the day.

No. 71, a joint resolution for the relief of David Rolls;

No. 77, a bill to prevent the spreading of the disease commonly called Glanders among horses;

No. 80, a bill to incorporate the Connersville Musical Institute;

No. 81, a bill to revive the president and trustees of the Dubois county Library;

Which were severally read the third time and passed.

Ordered, That the Senate be informed thereof.

#### BILLS ON SECOND READING.

No. 82, a bill entitled an act defining the duties of Petitioners for re-locating seats of justice, and for other purposes;

Was read the second time and ordered to be engrossed for a third reading.

No. 83, a bill to amend an act entitled an act to provide for the Public Printing, and for the distribution of the laws and journals, approved February 16, 1839;

Was read a second time and referred to a select committee consisting of Messrs. Dowling, Defrees, and Morgan.

No. 84, a bill to establish a State road from the house of William Mitchell in Noble county, to Auburn in DeKalb county;

Was read a second time and referred to the committee on Roads.

No. 85, a bill to establish a State road therein named;

No. 86, a bill to establish a certain State road therein named;

Which were read a second time and referred to the committee on Roads.

No. 36, a bill of the Senate for the relief of John Brookbank of Carroll county;

Was read the second time and referred to the committee on Canals and Internal Improvements.

No. 23, an engrossed bill of the Senate to vacate the town of Harrison in Delaware county;

Was read a second time and ordered to a third reading on to-morrow.

No. 87, an engrossed bill of the Senate for the relief of Marshall S. Wines;

No. 88, an engrossed bill of the Senate to authorize the transporta-

tion of the United States' Mail over the bridges on the Madison and Indianapolis Rail-road;

Were read the second time and ordered to be engrossed for a third reading on to-morrow.

No. 89, a joint resolution relative to the duties on imported silks;

Was read a second time, and,

On motion of Mr. Mason,

Was referred to the committee on Federal Relations.

No. 90, a bill to amend an act to authorize Daniel J. and Isaac Hancock to build a toll bridge across South Hogan;

No. 91, a bill to amend an act entitled an act to incorporate the Patriot Silk and Trading company;

Were read the second time and referred to the committee on Corporations.

No. 92, a bill requiring the commissioners of the White river bridge to make settlement;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

The House now went into committee of the whole—Mr. Henley in the Chair—on bill No. 79, "to prohibit the making, issuing, or circulating small notes or bills."

After some time spent therein, the committee rose, the Chairman reported progress, and asked leave to sit again.

Which leave was granted.

On motion,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met pursuant to adjournment.

And again went into committee of the whole upon bill No. 79—which was under consideration previous to adjournment.

After some time spent therein the committee rose and the Chairman reported the bill to the House with one amendment.

Which was concurred in;

And the bill was ordered to be engrossed for a third reading.

Mr. Butler of C., made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report that they have compared the enrolled with the engrossed bills of the House, and find the same duly enrolled:

No. 21, an act to incorporate the Owen County Band of Gosport;

No. 29, an act to provide for a more uniform mode of doing township business in the counties of Lagrange, Steuben, DeKalb, and Noble;

No. 20, an act to authorize the board of commissioners and the probate judge of Jackson county, to hold the sessions of their respective courts in the Clerk's office of said county;

No. 22, an act to provide for a more uniform mode of doing township business in the county of Elkhart;

No. 15, an act for the benefit of Benedict O'Neal;

No. 14, an act to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county;

No. 42, an act for the relief of William Truelock, collector of Scott county for the years 1837 and 1838;

No. 34, an act to repeal so much of an act approved February 24th, 1840, as relates to the county of Union;

No. 37, an act to vacate the town plat of the village of Charlottsville, in Kosciusko county;

Also No. 15, of the Senate, an act regulating the jurisdiction of the justices of the peace in Fountain county.

Mr. Morgan made the following report:

MR. SPEAKER:

The select committee to whom was committed No. 31, a bill to amend an act entitled an act regulating the taking up of animals going astray, and water crafts and other articles of value adrift, have had the same under consideration and instructed me to report the same back, and respectfully ask that it be laid upon the table, the revised bill reported by the committee having obviated the necessity for any action thereon.

Which report was concurred in, and the bill therein named was laid upon the table.

And then the House adjourned until to-morrow morning, nine o'clock.

TUESDAY MORNING, DEC. 29, 1840.

House met pursuant to adjournment.

A message from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER—

The Senate has passed engrossed bills of the House of Representatives, without amendment, entitled as follows, viz:

No. 63. An act authorizing the commissioners of Dubois county to levy a tax, ad valorem, for certain purposes therein named;

No. 66. An act for the relief of the trustees of the methodist episcopal church in the town of Columbus in the county of Bartholomew.

The Senate has also passed engrossed bills thereof entitled, as follows, viz:

No. 33. To enforce the payment of tolls on the Public Works in Indiana;

No. 37. To amend an act entitled, "an act subjecting real and personal estate to execution, approved Feb. 4. 1831;

In which the concurrence of the House of Representatives is respectfully requested;

And then he withdrew.

Bills Nos. 33 and 37 named in the message were read the first time and passed to a second reading on to-morrow.

Mr. Terrell presented the petition of Elizabeth King praying for a divorce;

Which was read and referred to the judiciary committee.

Mr. Rulon presented the petition of David Garinger, relative to the apportionment of representative districts;

Which was referred to the apportionment committee.

Mr. Shanks made the following report:

MR. SPEAKER—

The committee on engrossed bills have compared the engrossed with the original bills of the house, as follows:

No. 79, a bill to prohibit the making, issuing, or circulating small notes or bills.

No. 82, a bill defining the duties of petitioners for re-locating seats of justice, and for other purposes.

No. 87, a bill for the relief of Marshall S. Wines.

No. 88, a bill to authorize the transportation of the U.S. mail over the bridges on the Madison and Indianapolis rail road.

No. 92, a bill requiring the commissioners of the White river bridge to make settlement.

And find the same correctly engrossed.

Mr. Terrell presented the petition of Paterson C. Parker and other citizens of Brown county, relative to the mode of empannelling grand and petit jurors;

Which was referred to the judiciary committee.

Mr. Jenckes, chairman of the committee of ways and means, made the following report:

Mr. SPEAKER—

The committee on ways and means to whom was referred a bill of the house for the relief of Mentor S. Johnson, collector of Clay county, have had that bill under their consideration and have directed me to report it back to the house and recommend that so much of the 1st section as relates to the state revenue be stricken out, and that, with that amendment, the bill pass;

Which report was concurred in.

And the bill therein named was read the second time, and ordered to be engrossed for a third reading on to-morrow.

Mr. Jenckes also made the following report:

Mr. SPEAKER—

The committee on ways and means to whom were referred two resolutions of the house instructing the committee to enquire into the expediency of exempting capital invested in the manufacture of iron and salt, and also funds invested in the manufacture of silks or woolen goods from taxation for a limited period have had the subject of those resolutions under their consideration, and directed me to report, that in their opinion, it is inexpedient, at this time to legislate upon that subject, and ask to be discharged from the further consideration thereof.

The report of the committee was concurred in and they discharged.

Mr. Dunn made the following report:

Mr. SPEAKER—

The committee on ways and means, to whom was referred the petition of David Nevit and others, praying for relief, as stockholders in the Lawrenceburgh and Indianapolis Rail Road Company, have had the same under consideration, and a majority of said committee have directed me to report the accompanying bill;—No. 108, For the relief of debtors to the State,

Was read the first time and passed to a second reading on to-morrow.

Mr. Dunn made the following report:

Mr. SPEAKER—

The committee on ways and means, to whom was referred the bill of the House, No. 64, To amend an act entitled an act for assessing and

collecting the revenue, approved Feb. 10, 1831, have had the same under consideration, and have directed me to report the same back to the House, and recommend the indefinite postponement of the same.

Which was concurred in, and said bill indefinitely postponed.

Mr. Dunn also made the following report:

Mr. SPEAKER—

The committee on ways and means, to whom was referred resolution No. 14, relative to so amending the acts in relation to county business, as to require the county commissioners and justices of the peace acting as such, to give bond and approved security, have had the same under consideration and have directed me to report, that in their opinion, legislation on that subject is inexpedient and unnecessary.

Which was read, when,

On motion of Mr. Stanford,

Said report was re-committed to a select committee of Messrs. Graham, Sweetser of M., and Chiles.

Mr. Dunn made the following additional report:

Mr. SPEAKER—

The committee on ways and means, to whom was referred a resolution of the House, No. 18, on the subject of so altering the present law that requires the clerks of the circuit courts, to make out a list of lands in each road district for the supervisor, as to require and make it the duty of each supervisor to make out their own lists of persons liable to work on public roads, have had the same under advisement, and have directed me to report, that further legislation on that subject is inexpedient.

Which was read and concurred in.

Mr. Stanford made the following report:

Mr. SPEAKER—

The committee on ways and means to whom was referred a resolution of this House, No. 20, relative to exempting from taxation improvements on lands, and of providing for an equitable mode of assessing real estate; and also a resolution relative to allowing commissioners of the surplus revenue further compensation in cases where they collect by law, have had the several subjects under their consideration, and have directed me to report that in their opinion further legislation on these subjects is unnecessary at this time.

Which was concurred in, when,

Mr. Chiles made a report from the judiciary committee.



Mr. SPEAKER—

The judiciary committee, to whom was referred a resolution of the House, "inquiring into the expediency of so amending the fourteenth section of an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17th, 1838, to make their report therein required at any time previous to the first day of each term of the circuit court," have directed me to report it inexpedient to legislate upon that subject.

Which was concurred in.

The following report was made from the judiciary committee, by Mr. Sweetser, the chairman thereof.

Mr. SPEAKER—

The committee on the judiciary, to whom was referred a resolution instructing them to report a bill to authorize an examination of the registers required to be kept by the Treasurer of State and Auditor of public accounts, of all Treasury Notes redeemed and cancelled, and to provide for their destruction, have had the same under consideration and directed me to report the following bill; No. 109; To authorize the destruction of Treasury Notes redeemed.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Sweetser of Marion also made the following report:

Mr. SREAKER—

The committee on the judiciary to whom was referred an engrossed bill from the Senate, entitled, "a bill concerning clerk's fees" have had the same under consideration, and have directed to report the same without amendment, and recommend its passage.

Which bill named in the report was read the second time and passed to a third reading on to-morrow.

Mr. Brenton made the following report:

Mr. SPEAKER—

The committee on the judiciary to whom was referred a bill of this House, entitled an act to legalize the contract of separation between C. Bird Pate, and Catharine his wife, and William Patterson and Robert Turner her trustees, and other purposes, have according to order had the same under consideration, and have instructed me to report the same back to the House, and recommend its indefinite postponement.

Which report was concurred in, and said bill indefinitely postponed.

Mr. Walpole from the judiciary committee, made the following report.

Mr. SPEAKER—

The judiciary committee to whom was referred bill of the House of Representatives, No. 62, entitled, "a bill providing for the discharge of insolvent persons who are detained in prison for the non-payment of cost in criminal cases, have according to order had the same under consideration, and instruct me to report the same back to the House of Representatives without amendment, and recommend its adoption.

The bill named in the report was then read the second time and ordered to be engrossed for a third reading on to-morrow.

Mr. Walpole from the judiciary committee made the following report.

Mr. SPEAKER—

The judiciary committee to whom was referred bill No. 45, of the House of Representatives, entitled, "a bill to amend an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838," have according to order had the same under consideration and instruct me to report it back to the House of Representatives and recommend its indefinite postponement.

On motion of Mr. Sweetser of M.,

The bill and report were re-committed to a select committee of Messrs. Conwell, Henley, Bowles, Smith of F. and Cole.

Mr. Walpole from the judiciary committee made the following report:

Mr. SPEAKER—

The judiciary committee to whom was referred a resolution of the House of Representatives, instructing said committee "to inquire into the expediency of so amending the probate law as to require guardians to report to the probate court once in every year, at such time as the court may point out," have according to order had the same under consideration, and instruct me to report to the House of Representatives that it is inexpedient to legislate upon the subject matter of said resolution, and ask to be discharged from the further consideration thereof.

The committee was discharged accordingly.

Mr. Walpole from the judiciary committee made the following report:

Mr. SPEAKER:

The judiciary committee to whom was referred Bill of the House of Representatives, No. 60, entitled a bill authorizing the issuing of a special writ of distringas in certain cases, have according to order had the same under consideration, and instruct me to report the same back to the House of Representatives without amendment.

Bill No. 60, named in the report was ordered to be engrossed for a third reading on to-morrow.

Mr. Morgan made the following report:

MR. SPEAKER;

The committee on roads to whom was committed bill No. 19, of the Senate, entitled a bill to amend an act to provide for the opening and repairing public roads and highways in Gibson county, approved, February 17th 1838, have had the same under consideration, and instructed me to report it back without amendment, and respectfully recommend its passage.

Bill No. 19, named in the report was passed to a third reading on to-morrow.

Mr. Defrees from a select committee, made the following report;

MR. SPEAKER;

The select committee to whom was referred the preamble and resolution in relation to the proceedings of this House, and the decision of the Speaker thereon with certain instructions; introduced the 18th inst. have given them their consideration and now submit the following

#### R E P O R T :

That, in the discharge of the task assigned them, it is not their design to go back to the origin of the transaction which has given so much difficulty the present session of the legislature. They are not required by their instructions to do so, and if they were, it is unnecessary, as it is presumed all are informed in regard to an act as unprecedented as it was unjust.

The first inquiry presented by the instruction given your committee, is, "did the Speaker of this House invite an appeal from his decision at the time it was made?" To answer this inquiry in the affirmative, it is only necessary to take a view of the facts as they occurred previous to, and at the time mentioned in the preamble and resolution under consideration.

On the 10th day of December, inst. Mr. Smydth of Daviess, offered for adoption a preamble and resolution. The question was stated by the Speaker. A motion was made to indefinitely postpone—the ayes and noes were demanded and taken, and the motion was decided in the negative. Mr. Walpole then moved an amendment, and while that motion was pending, it was moved and carried that the resolution and amendment lie on the table. On the 14th inst. a motion was made to reconsider the vote, that the resolution and amendment lie on the table, and such motion to reconsider was adopted by consent. Pending the question which then recurred, that the resolution and amendment lie on the table, Mr. Walpole asked leave to withdraw his

amendment, which was granted by consent, and, immediately *Mr. Smydth* asked leave to withdraw his resolution, which was also granted by consent. The question was then put to the Speaker, whether the proceedings should be withdrawn from the Journals? The Speaker took time to consider, and some hours afterwards decided, that the resolution and amendment being withdrawn, the whole proceeding should be withdrawn from the Journal. At the time the Speaker made this decision, he, in clear and express language stated his wish that, on account of the difficulty as well as importance of the question, some gentlemen would take an appeal so that the House might decide. An appeal was asked by two members, a gentleman of the majority, and a gentleman of the minority, but the first, *Mr. Robinson*, stated that he was satisfied with the opinion of the chair, and only asked the appeal to gratify the desire of the Speaker. A gentleman of the minority (*Mr. Boon*,) then expressed his opinion that the appeal was not necessary, and was understood also to express his assent to the decision of the Speaker. Upon this suggestion from *Mr. Boon* the appeal was withdrawn, and the opinion of the Speaker being thus tacitly assented to by all the members, the Speaker directed the Clerk to withdraw the proceedings on *Mr. Smydth's* resolution from the Journal. So soon as this direction was given by the Speaker; a member of the minority, (*Mr. Henley*,) rose and stated that he would enter his protest against the decision, and order of the Speaker. *Mr. Henley* was present during the whole of the above procedure! The promised protest was not offered by *Mr. Henley*, but, instead thereof, the preamble and resolution under consideration was presented by the gentleman from Orange county, on the 18th inst.

A comparison of the above recited facts with the last part of the preamble, will show conclusively that the preamble does not set forth the truth of the case; as a part of the truth is suppressed. By such suppression great injustice is done the Speaker, inasmuch as by it means are sought to represent his conduct as despotic, when, in fact, he anxiously invited a full discussion of the question and an expression of the will of the House, and only decided on his own opinion when the House had, after full time for consideration, declined the appeal and assented to that opinion.

The resolution under consideration, denounces the decision of the Speaker as "unwarrented by well established parliamentary usage, and in direct violation of the 9th section of the 3d article of the constitution of this State."

In order to see whether this denunciation be in the least deserved, it may be well to examine that decision, and see how far it is sustained by precedent drawn from the proceedings of the highest legislative assembly in our country, and how far it is sustained by good reason.

The constitution of the United States contains a provision requiring "each House of Congress to keep a journal of its proceedings," in the same manner as does our constitution. What has been practiced under it in Congress may be well quoted as good authority for the government of this House. In the year 1806, under the administration

of *Mr. Jefferson*, a memorial was presented to the Senate from certain persons then under conviction for offences committed against the laws of the United States. This memorial reflected strongly on the conduct of the President, and its tenor was entered on the journal by the secretary. On the same day it was, on motion, erased from the journal, and the power of the Senate to do so was undisputed, because it had the control of its own journal during its session.

A similar procedure occurred in the House of Congress on the 22d of February, 1822. *Mr. Randolph* of Virginia, learning that *Mr. Pinckney* had that day died in the city of Washington, rose and moved that in consequence thereof, as a mark of respect, the House be adjourned until the succeeding day, which motion prevailed and was spread upon the journal. It so happened *Mr. Randolph* had been misinformed, and that *Mr. Pinckney* was not dead at the time, and on the next day, the whole proceedings were erased from the journal. Thus it appears, by the precedent first quoted, that even the rejection of a memorial is not such a proceeding as should be placed upon the journal, and by the second, that a resolution, after an affirmative action of the House may be erased from its journals; then, if this be true, and it cannot be doubted, with what propriety can it be contended that a resolution and amendments, withdrawn before they receive the concurrence of the House, should not be also withdrawn from the journal? It cannot be so contended with the least semblance of reason.

In commenting on the power which each House of Congress has over its own journal during its session, it has been properly remarked by a distinguished statesman, that "while the constitution requires each House to keep a journal of its proceedings, it does not direct how that journal is to be kept. The manner of keeping it, what shall be put upon it and what not, the nature, the form, the fullness of the entries, are all left for the regulation and control of the body whose duty it is to keep a journal. In these respects, there is a great diversity of usage among legislative bodies. By some, the entire bill, when presented for its action, is spread on the journal, and by others, only the title of the bill is entered."

Let us examine the correctness of the decision, aside from the above precedents. The House is required to keep a journal of its proceedings. Courts of record are required to keep a complete record of their proceedings. Every lawyer well knows that when, pending a cause, a plea or demurrer is withdrawn, it and the proceedings dependent on it are not entered in the complete record. This undoubtedly is, because, in contemplation of law, there is not any proceeding. So in legislative action, if a motion is withdrawn before any affirmative action, it need not appear on the journal, because there has not been any action by the House; because indeed nothing has been done. This view is in accordance with the rule of the House, that "before decision or amendment, a motion may be withdrawn." Will the refusal of the House to amend, preclude the mover from withdrawing his motion? Assuredly not, for there has not been any amendment.—

Nevertheless, in one sense, there has been a decision. The House has decided to refuse the amendment. This example fully illustrates the meaning of the term "*decision*," in the rule. It shews that that word means affirmative action, not a refusal to act—the doing something, not the refusal to do a particular thing. In other words—until the House has decided to do something, either to dispose of or to amend the motion, the mover may withdraw it. In the case under consideration, no amendment had been made, but the House had refused to postpone the resolution. Is that refusal to postpone, such a decision on the resolution as brings the case within the rule? Would a refusal to amend bring it within the rule? No, because only an amendment would have that effect. If a refusal to amend is not a decision, in what is a refusal to postpone different? Wherefore shall the one be deemed not a decision and the other be deemed a decision? If this view be correct, Mr. Smydth's resolution was without decision and without amendment, and being so, might, according to the rule, be withdrawn. What then is intended by the term "*withdrawn*," in the rule. We know its meaning in its ordinary acceptation; we know its meaning, as shown above, in legal proceeding, is similar to that in its ordinary acceptance; wherefore should its meaning in legislative proceedings be different? In all these cases it means to take away; and such is its ordinary meaning at the Clerk's table according to every day's practice. Almost daily, often repeatedly on the same day, motions are made and seconded, and are stated by the Speaker; whereby according to the rule they are in the possession of the House; nevertheless, motions thus situated are constantly withdrawn, without insertion in the journal. If it is said that in such cases, it is done by unanimous consent, we reply, that unanimous consent cannot discharge the obligation of the constitution. The constitution does, or does not require that the motion be journalized. If it does require it, consent cannot excuse the performance of the duty. Hence we may infer that, according to the uniform practice of the House, motions previous to decision, are not deemed proceedings of the House if withdrawn. It is then asked, if an entry on the journal in such case, is not required by the constitution, whence the practice, if any such there be, which requires the consent of all the members to withdraw from the journal the entry made on a motion withdrawn? Where is the rule? There is no rule, and there is no such well-founded practice.

In the opinion of the committee, Mr. Smydth's resolution was actually withdrawn from the House, not only from its action, but from its possession. It ceased to be in the possession of the House. It could not form any part of the Journal; and it would be strange indeed, if when the resolution, the principal is withdrawn, negative proceedings on it, mere attendants, which could not have been without it, could remain.

Whilst the committee contend that a legislative body, has a complete control over its own Journal during its session, they want it distinctly understood that they deprecate the doctrine advanced a few

years ago, that a subsequent legislative body can constitutionally “*expunge*” the proceedings of their predecessors. It can have no control over the Journal of the preceding legislature,—because the very moment of final adjournment the entries which have received its sanction, become a complete record of its proceedings, and cannot be expunged without a violation of the constitution.

The committee are instructed to inquire “whether the time at which the decision was made by the Speaker was not the proper time to test the sense of the House, as to the propriety of that decision, by taking an appeal therefrom,” and, if so, the failure at this time to take such appeal was not equivalent to a unanimous acquiescence in the decision of the Speaker.

The committee are of opinion, that when the decision of a question is made by the Speaker, the only proper course to be pursued by those dissatisfied with it, is to take an appeal immediately. Failing to do so at the proper time, the subsequent introduction of a resolution condemnatory of the very decision thus tacitly acquiesced in, cannot, it seems to us, be justified. This applies to ordinary cases,—but, the one under consideration is of unusual character, inasmuch as the Speaker expressed doubts himself as to the correctness of his decision, and called upon the House for an expression of its opinion, as above recited. Under such circumstances the introduction of a resolution denouncing the decision of the Speaker as unprecedented and in violation of the constitution, must be viewed in no other light than the prompting of a disposition to seek every opportunity, no matter how unjust, to censure the conduct of one who has, in the discharge of his official duties, evinced no other feeling than should actuate an individual occupying his station.

Aside from the above arguments in support of the decision made by the Speaker, which to our minds are satisfactory, there is another view of the matter which cannot but convince all unbiassed by *partisan feeling*, that the preamble and resolution under consideration should not be entertained by this House. It is this: all must admit that, by unanimous consent, the House can control its own Journal. When the Speaker expressed his opinion that the proceedings should be withdrawn from the Journal, and the house refused to appeal, that refusal amounted to a unanimous consent. Can it be supposed then that the house will now condemn the Speaker for its own action, as in fact the decision complained of was made the act of the house, by its concurrence therein. The committee then, conceiving the decision of the Speaker to have been correct, especially when acquiesced in by the House—and because the preamble suppresses several facts attending that decision, with a view of setting the Speaker in a false position before the country, and because the resolution wrongfully denounces that decision, as a violation of the constitution, it is the opinion of the committee that they are unworthy the regard of the House and should be rejected.

JOHN D. DEFREES,  
CALEB B. SMITH,

Mr. Chiles moved that the report lie on the table, and 200 copies be printed.

Mr. Saylor moved 1000 copies be printed,

And the ayes and noes being demanded on Mr. Saylor's motion, by Messrs. Stanford and Newell of F.

*Those who voted in the affirmative were,*

Messrs. Bowles, Defrees, Dunbar, M'Coy, Ritchey and Saylor—6

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Burton, Butler of C., Butler of V. Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D. Clark of F. Clark of T. Coffeen, Cole, Conner, Conwell, Dowling, Dunn, Durbin, Elkins, Foote, Freeman, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Henley, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Lucas, Mason, M'Crillis, M'Cully, Miller, Montgomery of W. Montgomery of G. Morgan, Newell of F. Newell of W. North, Peck, Quick, Rawlings, Read, Rayburn, Rippey, Robbins, Robinson, Rose, Ross, Russell, Schoonover, Shawhan, Shortridge, Sloan, Smydth of D. Smith of F. Stanford, Stratton, Sweetser of G. Sweetser of M. Walpole, Wilson and Mr. Speaker—83.

So it was decided that 1000 copies should not be printed.

The question then recurring on the motion of Mr. Chiles, Mr. Stanford called for a division of the question, (being on printing;) which was decided in the negative.

So the House refused to print the report.

Mr. Henley then moved to amend the report; and the Speaker (Mr. Smith of F. presiding) decided that the motion to amend a report from a member, or a committee, was not in order;

Mr. Henley appealed from the decision of the chair.

The question then being put,

"Shall the decision of the chair stand as the judgment of this House?" it was decided in the affirmative;

So the decision of the chair was sustained.

Mr. Bowles moved to lay the report on the table, which motion did not prevail.

The House then adjourned until 2 o'clock P. M.



2 o'clock, P. M.

The House met pursuant to adjournment, and resumed the consideration of the question pending at last adjournment, being the report from a select committee, made by Mr. Defrees.

Mr. Ritchey moved a call of the House, which motion did not prevail.

The question then being put, shall the House concur in the report of the committee?"

And the ayes and noes being demanded by Messrs. Bowles and Carr;

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Butler of C., Butler of V., Champer, Chiles, Clark of D., Coffeen, Cole, Defrees, Dunn, Elkins Foote, Freeman, Goodenow, Hammer, Harding, Harrah, Harrison, Howe, Houghton, Jenckes, Kerr, Kile, Lancaster, Leslie, Mason, McCrillis, Montgomery of G., Morgan, North, Peck, Quick, Rawlings, Rayburn, Robbins, Robinson, Rose, Russell, Shortridge, Sloan, Smydth of D., Smith of F., Walpole, Wilson, and Woodard—52.

*Those who voted in the negative were,*

Messrs. Bowles, Burton, Byers, Carr, Casey, Chrisman, Clark of F., Clark of T., Conner, Conwell, Dunbar, Graham, Henley, Lucas, McCoy, McCully, Miller, Newell of F., Newell of W., Read, Ritchey, Rippey, Saylor, and Schoonover,—24.

So the report was concurred in.

Mr. Henley moved to re-consider the vote taken this morning on printing the report;

And the ayes and noes being demanded by Messrs. Henley and Bowles.

*Those who voted in the affirmative were,*

Messrs. Atherton, Blair, Blankenship, Bowers, Bowles, Butler of C., Butler of V., Casey, Champer, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Conner, Defrees, Dowling, Dunbar, Elkins, Freeman, Goodenow, Graham, Hanna, Harrah, Harrison, Henley, Houghton, Howe, Jones, Kerr, Kile, Lancaster, Leslie, Lucas, Mason, McCoy, McCrillis, McCulley, Morgan, Newel of W., Peck, Quick, Reyburn, Ritchey, Rippey, Robbins, Robinson, Ross, Sayler, Shawhan, Sloan, Smydth of D. Smith of F., Sweetser of G., Terrell, Walpole, Woodard, and Mr. Speaker,—59.

*Those who voted in the negative were,*

Messrs. Ball, Bradbury, Brenton, Brown, Burgess, Burton, Byers,

Carr, Cole, Conwell, Dunn, Foote, Hamer, Harding, Jenckes, Miller, Montgomery of G., Montgomery of W., Newell of F., North, Rawlings, Read, Rose, Russell, Schoonover, Shortridge, Stanford, Stratton, Sweetser of M., and Wilson,—30.

So said vote was re-considered.

Mr. Henley moved to print with the report, the preamble and resolution offered by Mr. Bowles, on which the report had been made;

Which motion was decided in the affirmative.

The question then recurring:

“Shall the preamble, and resolution, and the report of the committee be printed?”

And the ayes and noes being demanded by Messrs. Henley and Burton.

*Those who voted in the affirmative were,*

Messrs. Blair, Blankenship, Bowers, Bowles, Brown, Burton, Butler, of C., Butler of V., Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Defrees, Dowling, Dunbar, Elkins, Goodenow, Graham, Hanna, Henley, Houghton, Howe, Jones, Lancaster, Leslie, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of G., Morgan, Newel of W., Peck, Read, Ritchey, Rippey, Robinson, Ross, Saylor, Shawhan, Sloan, Smydth of D., Sweetser of G., and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Bradbury, Brenton, Burgess, Cole, Conner, Conwell, Dunn, Foote, Hamer, Harding, Harrah, Harrison, Jenckes, Kerr, Matson, Montgomery of W., Newel of F., North, Quick, Rawlings, Rayburn, Robbins, Rose, Russell, Shortridge, Smith of F., Stanford, Stratton, Sweetser of M., Terrell, Walpole, Wilson, and Woodard—36.

So the house agreed to print the preamble and resolution, and the report; and

On motion, 100 copies were ordered to be printed.

The Speaker then laid before the house, a report from the Auditor of State; which,

On motion was laid upon the table.

On motion of Mr. Graham,

*Resolved*, That 150 copies of the synopsis of the bills of the Auditor of Public Accounts, for a more equitable and economical mode of assessing and collecting the revenue, this day laid before the house, be printed; and that the sergent-at-arms of this house distribute one third thereof to the senators.

On motion, the house then adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, DEC. 30, 1840.

The House met pursuant to adjournment.

A message from the Senate by *Mr. Baird*, a member.

MR. SPEAKER—

The Senate has passed an engrossed bill thereof as follows, to wit: No. 3, an act to equalize the judicial circuits in the state of Indiana, and for other purposes;

In which I have been directed respectfully to ask the concurrence of the House of Representatives.

Bill No. 3, named in the message was read the first time,

When *Mr. Brenton* moved that it be rejected.

And the ayes and noes being demanded thereon by *Messrs. Brenton and Chrisman*.

*Those who voted in the affirmative were,*

*Messrs. Ball, Blankenship, Bowles, Bradbury, Brenton, Burton, Chrisman, Clark of T., Goodenow, Houghton, Lucas, Morgan, Peck, Rippey, Rose, Ross, Shortridge, Stanford, Stratton, and Sweetser of G.—20.*

*Those who voted in the negative were,*

*Messrs. Atherton, Blair, Bowers, Brown, Burgess, Butler of C., Byers, Carr, Casey, Champer, Chiles, Clark of D., Clark of F., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin, Farrington, Foote, Freeman, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Henley, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, M'Coy, M'Crillis, M'Cully, Miller, Montgomery of G., Montgomery of W., Newell of F., North, Quick, Rawlings, Rayburn, Ritchey, Robbins, Robinson, Rulon, Russell, Saylor, Schoonover, Shanks, Shawhan, Sloan, Smydth of D., Smith of F., Sweetser of M., Terrell, Walpole, Welch, Wilson, Woodard and Mr. Speaker—71.*

A message from the Senate by *Mr. Maguire* their Secretary:

MR. SPEAKER;

The Senate has passed an engrossed bill thereof entitled, No. 12, to repeal certain acts therein named, so far as they relate to the county of Carroll;

In which I am directed to ask the concurrence of the House of Representatives.

Bill no. 12, named in the message was read the first time and passed to a second reading on to-morrow.

The Speaker laid before the House a communication from Nathan B. Palmer, Esq., one of the Fund Commissioners, in answer to certain resolutions of the House.

Which was read, when,

Mr. Bowles moved that the report be laid upon the table, and that 1000 copies thereof be printed.

Mr. Champer called for a division of the question, (being on printing,) and the ayes and noes being demanded by Messrs. Bowles and Rippey,

*Those who voted in the affirmative were,*

Messrs. Atherton, Blankenship, Bowles, Bradbury, Brenton, Burgess, Burton, Butler of V., Byers, Carr, Casey, Chiles, Chrisman, Clark of D., Clark of F., Coffeen, Coleman, Conner, Dowling, Dunbar, Foote, Graham, Hamer, Harding, Henley, Houghton, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Lucas, M'Coy, M'Crillis, M'Cully, Montgomery of W., Morgan, Newell of F., Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Robinson, Ross, Rulon, Russell, Saylor, Schoonover, Shanks, Shawhan, Stratton, Sweetser of G., Sweetser of M., Welch, and Mr. Speaker—60.

*Those who voted in the negative were,*

Messrs. Ball, Blair, Bowers, Brown, Butler of Cass, Champer, Clark of T., Cole, Conwell, Defrees, Dunn, Durbin, Farrington, Freeman, Goodenow, Hanna, Harrah, Harrison, Howe, Mason, Miller, Montgomery of G., Newell of W., North, Rose, Shortridge, Smydth of D., Smith of F., Stanford, Terrell, Walpole, Wilson, and Woodward—33.

So the House decided that the report be printed.

The question then recurring on the motion to print 1000 copies,

500 copies were also named;

200 copies were also named;

100 copies were also named.

The question was then taken on the motion to print 1000 copies, and decided in the negative.

The next question being on printing 500 copies, Messrs. Henley and Saylor demanded the ayes and noes; when,

The Speaker decided that at this stage of proceedings, a call for the ayes and noes was not in order, on the ground that the question of printing a certain number of copies was but a single question, to wit: What number shall be printed? and that the ayes and noes should have been called for before putting the question on printing 1000 copies.

From which decision of the Speaker Mr. Henley appealed to the House, and the question being stated,

“Shall the decision of the Chair stand as the judgment of the House?”

And the ayes and noes being demanded by Messrs. Henley and Bowles,

*Those who voted in the affirmative were,*

Messrs. Blankenship, Bowers, Brenton, Brown, Butler of C., Butler of V., Clark of D., Cole, Dowling, Dunn, Farrington, Freeman, Graham, Hanna, Harding, Harrah, Harrison, Houghton, Howe, Jones, Kile, Lancaster, Leslie, Mason, M'Crillis, Miller, Montgomery of G., North, Quick, Rayburn, Robbins, Ross, Smydth of D., Smith of F., Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Woodard, and Mr. Speaker—41.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Bowles, Bradbury, Burgess, Burton, Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of F., Clark of T., Coffeen, Coleman, Conner, Conwell, Dunbar, Durbin, Foote, Goodenow, Hamer, Henley, Jenckes, Kerr, Lucas, M'Coy, M'Culley, Montgomery of W., Morgan, Newell of F., Newell of W., Peck, Rawlings, Read, Ritchey, Rippey, Rose, Rulon, Russell, Saylor, Schoonover, Shanks, Shortridge, Stanford, Welch, and Wilson—49.

So the House reversed the decision of the Chair, and the call for the ayes and noes by Messrs. Henley and Saylor, on printing 500 copies, was decided to be in order;

And the question being put:

“Shall 500 copies of the report be printed?”

*Those who voted in the affirmative were,*

Messrs. Blair, Bowles, Burgess, Burton, Butler of V., Byers, Carr, Casey, Chrisman, Clark of F., Dowling, Dunbar, Elkins, Graham, Henley, Jenckes, Lucas, M'Coy, M'Cully, Newell of W., Peck, Read, Ritchey, Rippey, Rulon, Saylor, Shanks, Sweetser of M., and Welch—29.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blankenship, Bowers, Bradbury, Brenton, Brown, Butler of C., Champer, Chiles, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Durbin, Farrington, Foote, Freeman, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Houghton, Howe, Jones, Kerr, Kile, Lancaster, Leslie, Mason, M'Crillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., North, Quick, Rawlings, Rayburn, Robbins, Rose, Ross, Russell, Schoonover, Shawhan, Shortridge, Sloan, Smydth

of D., Smith of F., Stanford, Stratton, Sweetser of G., Terrell, Walpole, Wilson, Woodard, and Mr. Speaker—65.

So the House refused to print 500 copies.

The question then recurring on printing 200 copies, the motion was decided in the negative.

The question now being put:

“Shall 100 copies of the report be printed?”

And the ayes and noes being demanded by Messrs. Henley and Brenton,

*Those who voted in the affirmative were,*

Messrs. Atherton, Blankenship, Bowers, Bowles, Bradbury, Brenton, Burgess, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Chiles, Chrisman, Clark of D., Coffeen, Cole, Coleman, Conner, Dowling, Dunbar, Elkins, Foote, Freeman, Graham, Hamar, Harding, Henley, Houghton, Jenckes, Jones, Kerr, Lancaster, Leslie, Lucas, M'Coy, M'Crillis, M'Culley, Miller, Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Rawlings, Read, Ritchey, Rippey, Robbins, Rulon, Russell, Saylor, Schoonover, Shawhan, Sloan, Stratton, Sweetser of G., Sweetser of M., Welch, and Mr. Speaker—62.

*Those who voted in the negative were,*

Messrs. Ball, Blair, Brown, Champer, Clark of F., Clark of T., Conwell, Defrees, Dunn, Durbin, Farrington, Goodenow, Hanna, Harrah, Harrison, Howe, Kile, Mason, Montgomery of G., Quick, Rayburn, Rose, Ross, Shanks, Shortridge, Smydth of D., Smith of F., Standford, Terrell, Walpole, Wilson, and Woodard—32.

So the House ordered 100 copies of the report to be printed.

The report was then laid upon the table, and it was ordered that it be printed in the Documentary Journal of this session, but not in the journal of the proceedings of the House.

On motion,

The House adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Bowles presented the following protest, which was ordered to be spread upon the Journal, viz:

The undersigned protest against the passage of the joint resolution

instructing our Senators and requesting our Representatives in Congress to vote for the repeal of the Independent Treasury law,

1st, Because the repeal of that act without otherwise providing for the collection, safe-keeping and disbursement of the National treasure, would be an infraction on the rights and interests of the people, and would greatly endanger the safety of the funds of the government, by placing them again under the control of the executive.

2d, Because the Independent Treasury plan has not been sufficiently tested to satisfy the American people as to its good or ill tendencies, in collecting, keeping or disbursing the revenue, and furthermore it is the opinion of the undersigned that the public will was not expressed for or against the Independent Treasury scheme in the late canvass for the presidency.

3d, Because a similar plan was adopted in the commencement of the government, and was changed by the arch machinations of Alexander Hamilton, the founder and leader of the federal party; to give place for a national bank, and thereby give a direction to the funds of the government for the advancement of the private interests of the stockholders in the bank, and stock jobbers of every kind.

4th, Because the plan commonly called the Independent Treasury Scheme was sanctioned by Washington, recommended by Jefferson and Jackson, passed into a law by the representatives of the people, approved by Mr. Van Buren, and to say the least, it ought to be fairly tested by the American people.

5th; Because the repeal of the Independent Treasury law will open the door for chartering a National Bank, which will revolutionize the commerce of the country, destroy state institutions, concentrate capital in the Atlantic cities, lessen competition in the markets and place it in the power of a few individuals to direct the destinies of this republic by wielding the entire moneyed influence of the country.

6th, Because the practice of altering or changing the laws of the land before their effects and bearing on the country are properly tested, is at variance with the character of our free institutions and well calculated to lessen public confidence and produce a restless instability of the public mind, and finally result in confusion and anarchy.

7th, Because the Independent Treasury law directed to be repealed by the joint resolution, is the only plan ever adopted by this government with sufficient guards and checks to secure the collection and safe-keeping of the national treasure, so that the same could at all times be disbursed according to the will of the people's representatives. By this plan it is made felony for any officer charged with the collection, keeping or disbursement of the funds of the government, to loan or in any way use the money of the government. And any officer being convicted of loaning or in any way using the money by him collected, would be subject to fine and imprisonment at hard labor in the penitentiary.

8th, The repeal of the Independent Treasury scheme would remove one of the strongest guaranties the people can have against excessive issues by the banks of irredeemable paper, bank suspensions, extrava-

gant speculations, and that ruinous fluctuation in all the various kinds of business and trade, which have characterized the last few years.

9th, Because its repeal would remove a wholesome check upon the commerce of the country by maintaining steady prices, and thereby restrain excessive importations of foreign goods, which tend greatly to increase the amount of our indebtedness abroad, and lessen the already diminished amount of specie in the country, banish it from circulation to a very great extent, thereby creating a vacuum to be supplied by an unhealthy circulating medium or shin plasters

W. A. BOWLES,  
THOS. J. HENLEY,  
JAMES RITCHEY,  
E. L. DUNBAR,  
M. RIPPEY,  
WM. CASEY,  
J. J. BURTON,  
WM. SHANKS,  
GEORGE BOON,  
J. G. READ,  
J. B. LUCAS,  
D. NEWELL,  
MORRISON RULON,

Mr. Butler of C. made the following report:

Mr. SPEAKER,

The joint committee on enrolled bills report that they did this day present to his Excellency the Governor, for his approval and signature the following entitled acts, which originated in the House of Representatives, to-wit:

No. 21—An act to incorporate the Owen county Band, of Gosport,

No. 29—An act to provide for a more uniform mode of doing township business in the counties of Lagrange, Steuben, De Kalk and Noble.

No. 20—An act to authorize the board of commissioners and the probate judge of Jackson county to hold the sessions of their respective courts, in the clerk's office of said county.

No. 22—An act to provide for a more uniform mode of doing township business in the county of Elkhart.

No. 15—An act for the relief of Benedict O'Neal.

No. 14—An act to amend an act entitled an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county.

No. 42—An act for the relief of William Truelock, collector of Scott county, for the years 1837 and 1838.

No. 34—An act to repeal so much of an act approved February 24, 1840, as relates to the county of Union,

No. 67—An act for the relief of the collector of the county revenue for Spencer county.



No. 37—An act to vacate the town plat of the village of Charlottsville in Kosciusko county, also

No. 15, (Of the Senate)—An act regulating the jurisdiction of the justices of the peace in Fountain county.

Mr. Shanks made the following report:

MR. SPEAKER,

The committee on Engrossed bills have compared the engrossed with the original bills of the House, as follows:

No. 60—A bill authorising the issuing of a special writ of “distringas” in certain cases.

No. 62—A bill providing for the discharge of insolvent persons, who are detained in prison for the non-payment of cost, in criminal cases.

No. 65—A bill for the relief of Mentor S. Johnson, collector of Clay county.

And find the same correctly engrossed.

The Speaker laid before the House a report from the Auditor of State,

Which was read and referred to the committee of ways and means.

The Speaker also laid before the House two several reports from Jesse L. Williams, Principal Engineer, in answer to sundry resolutions of the House of Representatives,

Which were laid on the table and 200 copies of each ordered to be printed for the use of the members of the House, and as documents, were ordered to be printed in the documentary journals, but not in the Journals of the House.

The Speaker also laid before the House an additional communication from Jesse L. Williams, relative to the claims of Messrs H. & R. Stewarts,

Which was referred to the committee on canals and internal improvements.

A message from the Governor, by Mr. Moore his private Secretary,

MR. SPEAKER—

I am requested by the Governor to inform the House of Representatives that on this day he has approved and signed bills entitled acts, as follows, to wit:

An act to amend an act entitled “an act for the benefit of persons who are likely to suffer by the destruction of the records of Dubois county.”

An act for the relief of Benedict O’Neal.

An act to authorize the board of commissioners and the probate judge of Jackson county to hold the sessions of their respective courts in the clerk’s office of said county.

An act to incorporate the Owen county Band, of Gosport.

An act to provide for a more uniform mode of doing township business in the county of Elkhart.

An act to provide for a more uniform mode of doing township business in the counties of Lagrange, Steuben, De Kalb and Noble.

An act to repeal so much of an act, approved February 24th, 1840, as relates to the county of Union.

An act to vacate the town plat of the village of Charlottsville in Kosciusko county.

An act for the relief of William Truelock, collector of Scott county for the years 1837 and 1838.

An act for the relief of the collector of the county revenue for Spencer county.

All of which originated in the House of Representatives.

Mr. Chiles, from the judiciary committee, made the following report:

Mr. SPEAKER—

The judiciary committee to whom was referred a resolution of the House, "directing them to inquire into the expediency of amending or repealing so much of the law as gives jurisdiction to the Supreme Court in cases of appeal from justices of the peace, and other cases coming before said court other than by appeal or writ of error," have had the same under consideration, and have directed me to report the following bill, No. 110.

Which was read the first time and passed to a second reading on tomorrow.

Mr. Brenton, from the judiciary committee made the following report:

Mr. SPEAKER—

The judiciary committee, to whom was referred a resolution of this house, instructing them to inquire into the expediency of providing by law for some uniform system in the practice of the circuit courts of this State, on the subject of bailiffs to the grand jury, commonly called riding bailiffs, have had the same under consideration, and instructed me to report that legislation on that subject is inexpedient.

Which report was concurred in by the house.

Mr. Shortridge made the following report:

Mr. SPEAKER—

The committee on corporations, to whom was referred an act to amend an act entitled an act to incorporate the Patriot Silk and Trading Company, have had the same under consideration and directed me to report the same back to the house, and recommend its indefinite postponement.

Which, On motion of Mr. Durbin,

Was recommitted to a select committee of Messrs. Durbin, Shawhan, and Brenton,

On motion of *Mr. Smith of F.*,

The rules were suspended and the house went into the consideration of the

ORDERS OF THE DAY.

Engrossed bills of the following titles were severally read the third time and passed, viz:

No. 23, Of the Senate—To vacate the town of Harrison, in Delaware county.

No. 88—An engrossed bill to authorize the transportation of the United States' mail over the bridges on the Madison and Indianapolis Rail Road,

No. 92—Requiring the commissioners of the White River Bridge to make settlement.

No. 19—Engrossed bill of the Senate to amend an act to provide for opening and repairing roads and highways in Gibson county.

No. 60—A bill to authorize the issuing of a special writ of distringas in certain cases.

No. 62—An engrossed bill providing for discharging insolvent persons who are detained in prison for the non-payment of cost in criminal cases; and,

No. 65—An engrossed bill for the relief of Mentor S. Johnson, collector of Clay county.

Ordered that the Senate be informed thereof.

No. 79—An engrossed bill to prohibit the making, issuing or circulating small notes or bills,

Was read the third time, when,

*Mr. Champer* moved to recommit the bill to a select committee.

Which motion did not prevail.

The question then recurred on the passage of the bill,

And the ayes and noes being demanded thereon by *Messrs Champer* and *Schoonover*,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Chiles, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Dunbar, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster. Lucas, Mason, McCrillis, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Peck, Quick, Rawlings, Rayburn, Rippey, Robbins, Robinson, Rose, Ross, Rulon, Russell, Saylor, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Strattan, Sweetser of G., Sweetser of *M.*, Terrell, Walpole, Woodward, and *Mr. Speaker.*—79.

*Those who voted in the negative were*

Messrs. Bowles, Champer, Chrisman, Dowling, Henley, Leslie, McCoy, McCully, Miller, Newell of Fountain, Read, Ritchey, Schoonover—13.

So said bill passed.

Ordered that the Senate be informed thereof.

No. 82—An engrossed bill defining the duties of petitioners for relocating seats of justice, and for other purposes,

Was read the third time; and,

On motion of Mr. Harding,

Laid on the table.

No. 87—An engrossed bill for the relief of Marshall S. Wines,

Was read the third time; and,

On motion of Mr. Hanna,

Re-committed to a select committee of Messrs. Hanna, Rayburn and Sweetser of Grant.

Bills on the second reading being in order,

Mr. Smydth of D. moved to take from the table a bill to provide in part for the payment of the interest on the public debt,

Which motion was decided in the negative.

Bill No. 24, of the Senate, to incorporate the St. Gabriel College, and No. 25, of the Senate, to amend an act entitled "an act subjecting real and personal estate to execution," approved February 4th, 1831, Were read the second time and committed.

No. 24 to the committee on corporations, and

No. 25 to the judiciary committee.

No. 26—An engrossed bill of the Senate, for the relief of William S. Evans, and

No. 30—Engrossed bill of the Senate, to amend an act entitled "an act regulating grist mills and millers,

Were read the second time and passed to a third reading on tomorrow.

No. 93—Bill to amend an act entitled "an act regulating general elections,"

Was read the second time, when,

Mr. Butler of V. moved the following amendment to the first section to the bill: "Or at the county seat of the county in which he resides."

Which was disagreed to.

Mr. Jones moved the following as an additional section:

"Sec. That it shall be the duty of the sheriff of each county to publish 6 weeks previous to every annual election in three of the most public places in each township of every county the provisions of this bill."

Which amendment was not agreed to.

The question then recurring on the engrossment of said bill,

And the ayes and noes being demanded thereon by Messrs. Jones and Dowling,

*Those who voted in the affirmative were*

Messrs. Ball, Blair, Bradbury, Brown, Burton, Byers, Casey, Chiles, Clark of Dearborn, Clark of Tippecanoe, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Dunbar, Elkins, Farrington, Freeman, Goodenow, Hanna, Harrison, Henley, Jenckes, Kile, Lucas, Mason, McCully, Miller, Newell of Fountain, Rawlings, Rayburn, Ritchey, Rippey, Robbins, Robinson, Rose, Ross, Rulon, Saylor, Shawhan, Shortridge, Smith of Fayette, Stanford, Strattan, Terrell, Woodard, and *Mr. Speaker*—49.

*Those who voted in the negative were,*

Messrs. Atherton, Blankenship, Bowers, Bowles, Brenton, Burgess, Butler of Cass, Butler of Vanderburgh, Carr, Champer, Chrisman, Coffeen, Conner, Durbin, Foote, Graham, Hamer, Harding, Harrah, Houghton, Howe, Jones, Kerr, Lancaster, Leslie, McCoy, Montgomery of G., Montgomery of W., Morgan, North, Peck, Quick, Read, Russell, Schoonover, Shanks, Sloan, Smydth of Daviess, Sweetser of G., Sweetser of Marion, and Walpole—41.

So said bill was ordered to be engrossed for a third reading on to-morrow.

On motion,

The House adjourned until to-morrow morning at 9 o'clock.

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THURSDAY, DEC. 31st. 1840.

The House met pursuant to adjournment,

Mr. Conwell moved a call of the House, which was not agreed to.

The Speaker laid before the House a communication from Nathan B. Palmer Esq., in reference to lost treasury notes;

Which, was read and referred to the committee of ways and means.

Also a communication from Jesse L. Williams, relative to leasing the water power on the Wabash and Erie canal at Delphi;

Which was read and referred to the committee on Canals and Internal Improvements.

And also a report from Thomas H. Sharpe, agent of the state for the town of Indianapolis;

Which was read and referred to the committee on the affairs of the town of Indianapolis.

A message from the Senate by Mr. Maguire their Principal Secretary.

MR. SPEAKER;

I am directed to inform the House of Representatives, that the Senate has passed engrossed bills of the House of Representatives, entitled as follows viz:

No. 55, an act for the relief of John W. Cunningham, late collector of Putnam county.

No. 81, an act to revive the President and Trustees of the Dubois county Library.

The first named without amendment, and the last named with two amendments, in which I am directed to ask the concurrence of the House of Representatives.

Said amendments named in the message to bill No. 81, were then concurred in.

Mr. Sweetser of G., presented the petition of Malon Pearson and others, settlers on lands belonging to the state;

Which was read, and referred to the committee on Canals and Internal Improvements.

#### PETITIONS WERE PRESENTED

By Mr. Conwell, of Thomas Murphey a contractor on the public works;

Which was read and referred to the committee on Canals and Internal Improvements.

By Mr. Smydth of D., of Clements and Roddick, contractors on the southern division of the Central Canal;

Which was referred to the committee on Canals and Internal Improvements.

By Mr. Rulon, of L. W. Purviance and others, in reference to a state road;

Which was referred to the committee on roads; also

By Mr. Rulon, of the citizens of Jay county, relative to persons voluntarily appearing before grand juries;

Which was read and referred to the judiciary committee.

By Mr. Burgess, of Elihu and Cyrus Talbert, asking that the infliction of capital punishment be abolished;

Which was referred to the judiciary committee.

Mr. Brenton, from the judiciary committee made the following report:

MR. SPEAKER;

The judiciary committee to whom was referred a resolution of this House, instructing them to inquire into the constitutionality and expediency of providing by law, for the removal from office of any Judge of the Circuit or Supreme Court, who from long continued physical or mental disability, shall be found incapable of performing the duties of his office, and for the appointment of his successor, report that the constitution provides the only mode by which those of-

ficers can be removed, and that any provision which the Legislature might make on the subject, would in their opinion be unconstitutional; they therefore ask to be discharged from the further consideration thereof.

The committee was discharged accordingly.

Mr. Robbins, made the following report:

MR. SPEAKER;

The judiciary committee to whom was referred a bill, No. 43 of the House, to amend an act defining and regulating privileges, approved February 17, 1838, have had the same under consideration and have directed me to report the same to the House, with one amendment.

“Add to the first section, under the restrictions and exceptions of the act to which this is an amendment.”

Which was read and concurred in.

And said bill ordered to be engrossed for a third reading on to-morrow.

Mr. Robbins also made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a resolution of the House, to inquire into the expediency of amending the law, so that in all cases when the estate of a decedent, who leaves a widow, is not worth over one hundred dollars, it shall not be necessary to take out letters of administration on said estate; have had the same under consideration, and have directed me to report, that in their opinion it is inexpedient to legislate further upon that subject, and ask to be discharged from the further consideration thereof.

The committee was discharged accordingly.

Mr. Morgan chairman of the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads to whom was referred a resolution, instructing them to inquire into the expediency of making it obligatory on the Sheriffs in the several counties of this state under suitable penalties, to notify supervisors of their appointments: also one instructing them to inquire into the expediency of revising the law, regulating roads and highways in the several counties of this state: Also one instructing them to inquire into the expediency of so amending the road law, as to require all white male persons owning and paying a tax on real estate, to work upon the highways or pay to the supervisor in their district, a sum equivalent to the amount of labor required of them; and to repeal the law that exempts all persons over fifty years of age without distinction, from working on the highways: Also one instruct-

ing them to inquire into the expediency of providing by law, that hereafter when any road shall be laid out, or altered by commissioners appointed by the board doing county business, it shall be necessary in addition to the duties already imposed upon said commissioners, to return a plat or diagram of said road, the expenses of making said plat or diagram, to be paid by the petitioners for such road or alteration; report that they have had all these various subjects under consideration, and deem any legislation thereon inexpedient at this time, and ask to be discharged from the further consideration of the same.

The report was concurred in, and the committee discharged accordingly.

Mr. Morgan also made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred the report of the Treasurer of State in relation to the three per cent. fund; have had the same under consideration, and instructed me to report that any legislation thereon at this time is inexpedient.

The report of the committee was concurred in.

Mr. Smith of Fayette, from the committee on Canals and Internal Improvements, made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvements, to whom was referred a bill of the House, No. 61, to authorize the payment of contractors on the Wabash and Erie canal, east of the mouth of Tippecanoe, and for other purposes; have had the same under consideration, and have directed me to report; that the issuing of treasury notes, contemplated by the bill under consideration, is a measure, the propriety of which, both on grounds of expediency and constitutional right, your committee entertain serious doubts.

The course pursued by the last Legislature, in making and putting in circulation a currency of that description is without the sanction of precedent in most of the states, and there is high and respectable authority for believing it to be in violation of the provision contained in the 10th article of the constitution of the United States, which provides that "no state shall emit bills of credit;" The committee therefore recommend that the bill be amended by striking out all that part of it which relates to the issue of treasury notes.

And the question being put will the House concur in the report of the committee;

And the ayes and noes being demanded thereon by Messrs. Hanna and Jenckes;

*Those who voted in the affirmative were,*

Messrs. Ball, Blair, Blankenship, Brenton, Brown, Burgess, Burton,



Butler of V. Casey, Champer, Chiles, Chrisman, Clark of D. Clark of F. Clark of T. Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins Farrington, Foote, Freeman, Goode-  
now, Harding, Harrah Harrison, Henley, Houghton, Howe, Jenckes,  
Jones, Kerr, Kile, Lancaster, Lucas, Mason, M'Crillis, Montgomery  
of G. Montgomery of W. Morgan, North, Peck, Quick, Rawlings,  
Read, Rayburn, Ritchey, Robbins, Robinson, Rose, Ross, Russell,  
Shanks, Smydth of D. Smith of F. Stratton, Sweetser of M. Terrell,  
Walpole, Woodard and Mr. Speaker—67.

*Those who voted in the negative were,*

Messrs. Atherton, Bowles, Butler of C. Byers, Carr, Dunbar, Hamer,  
Hanna, Leslie, M'Coy, M'Cully, Miller, Newell of F. Rippey, Rulon,  
Saylor, Shawhan, Shortridge, Sloan, Stanford and Sweetser of G.—20.

So the amendment made by the committee was concurred in.

Mr. Hanna moved to recommit the report and bill, with instructions  
to provide for the reception of said certificates in payment for unsold  
canal lands, and also for canal lands already sold.

On motion of Mr. Clark of T.

The instructions were amended as follows, viz: and lands hereto-  
fore sold, subsequent to January 1st 1840.

The bill and instructions as amended, were recommitted to the com-  
mittee on Canals and Internal Improvements.

Mr. Dowling from the committee on Canals and Internal Improve-  
ments, made the following report:

MR. SPEAKER;

The committee on Canals and Internal Improvements, to which was  
referred the petition of James M. Heithly, praying for certain relief  
as a contractor on the public works; have had the same under consid-  
eration, and have instructed me to report that they deem legislation on  
that subject inexpedient.

The report of the committee was concurred in.

Mr. Dowling also made the following report:

MR. SPEAKER;

The committee on Canals and Internal Improvements, to whom was  
referred the letter of Seth M. Leavenworth, with the accompanying  
affidavit, have had the same under consideration; but as the letter asked  
nothing at the hands of the Legislature, nor conveyed any informa-  
tion, except that the Leavenworth and Bloomington rail road compa-  
ny, neither received or expended any amount of money since the last  
session, it has not occurred to the committee that any particular le-  
gislative action is invited by the correspondent; the committee re-  
commend accordingly.

The report of the committee was concurred in.

Mr. Smydth of D. made the following report.

MR. SPEAKER:

The committee on Canals and Internal Improvements, to whom was referred a bill of the Senate, No. 36, a bill for the relief of John Brookbank of Carroll county; have had the same under consideration, and directed me to report the same back to the House of Representatives, to be disposed of as the House shall determine.

Mr. Conwell moved to recommit said bill named in the report back to the same committee; with instructions to report a general bill on that subject;

Which was disagreed to.

And the question recurring, shall said bill pass to a third reading on to-morrow;

It was decided in the negative;

So said bill was lost.

Mr. Bowers made the following report:

MR. SPEAKER—

The committee on corporations to which was referred bill No. 90 of the house, entitled a bill to amend an act, entitled "an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan creek in Dearborn county," approved Feb. 22, 1840, has had the same under consideration according to order, and has instructed me to report the same back to the house with an amendment, which amendment is to strike out the third section thereof and add an additional section thereto, and to recommend the passage of the same so amended.

The amendment made by the committee to the bill therein named was concurred in.

And the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Bowers made the following report:

MR. SPEAKER—

The committee on corporations, to which was referred a bill no 26, entitled a bill to amend an act entitled "an act to incorporate the Lawrenceburgh bridge company," approved January 24, 1831, has had the same under consideration according to order, and has directed me to report the same back to the house with an amendment, which is to strike out the bill from its enacting clause, and insert in lieu thereof the accompanying bill, and also to recommend to the house a change in the title of said bill, by striking out the same and inserting in lieu thereof the following:

"A bill to amend an act, entitled "an act to amend an act entitled an act to incorporate the Lawrenceburgh bridge company," approved

January 24, 1831, approved February 15, 1840, and recommend its passage so amended, in which report the concurrence of the house is respectfully asked.

Mr. Dunn moved to recommit the report and bill to a select committee.

Which motion did not prevail.

The amendment made by the committee was then concurred in, and the bill ordered to be engrossed for a third reading on to-morrow.

Mr. Mason, from the committee on federal relations made the following report:

Mr. SPEAKER—

The committee on federal relations to whom were referred the communication of his excellency, Samuel Bigger under date of the 21st inst., together with the accompanying document, being a joint resolution of the legislature of Vermont, in the following words:

*Resolved*, by the Senate and House of Representatives, That the Senators in Congress from this state be, and they are hereby instructed, and our Representatives in Congress be, and they are hereby requested to use their best endeavors to procure such an amendment to the constitution of the United States as will restrict the eligibility of the president of the United States, to a single term: also providing that the same be laid before the legislature of Indiana, also a joint resolution of the House proposing sundry amendments to the constitution of the United States, have had the several subjects under their consideration and have directed me to report the same back to the *House*, and recommend the amending of the joint resolution by striking it out from the resolving clause and insert the following.

Which amendment was concurred in.

When Mr. Ritchey moved to add in the proper place "of four years."

When *Mr.* Champer moved the previous question;

Which being seconded by a majority of the members present.

The said previous question was put, viz:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, viz: which was,

Shall the joint resolution be engrossed and read a third time on to-morrow?

And the ayes and noes being demanded thereon, by *Messrs.* Durbin and Chrisman.

*Those who voted in the affirmative were,*

*Messrs.* Atherton, Ball, Blair, Blankenship, Bowers, Brenton, Brown, Burgess, Burton, Butler of C., Casey, Champer, Chiles, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Foote, Freeman, Goodenow, Ha-

mer, Hanna, Harding, Harrah, Harrison, Henley, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, McCoy, McCrillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newel of W., North, Peck, Quick, Rawlings, Read, Reyburn, Ritchey, Robbins, Robinson, Rose, Ross, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smydth of D. Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Woodard, and Mr. Speaker,—77.

*Those who voted in the negative were,*

Messrs. Bowles, Byers, Carr, Chrisman, Clark of F., Dunbar, Durbin, Graham, Lucas, McCulley, Newel of F., Rippey, and Rulon—13.  
So said joint resolution was ordered to be engrossed and read a third time on to morrow.

Mr. Shanks made the following report:

MR. SPEAKER—

The committee on engrossed bills have compared the engrossed with the original bill of the following title:

No. 93, to amend the act entitled "an act to regulate general elections."

And find the same correctly engrossed.

Leave of absence was granted to Mr. Welch in consequence of indisposition.

Mr. Champer from the committee on federal relations made the following report:

MR. SPEAKER—

The committee on federal relations to whom was referred the petition of Thomas Harrall, praying a divorce, have considered the subject, and directed me to report that legislation in the premises is inexpedient and ask to be discharged from its further consideration.

The committee was discharged accordingly.

Mr. Conwell made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of John Chance and others praying a change in a part of the state road from Laurel to Brookville in Franklin county, have had the same under consideration, and have instructed me to report a bill in compliance with the prayer of said petition.

Bill No. 111, named in the report was read the first time and passed to a second reading on to-morrow.

Mr. Hanna made the following report:

MR. SPEAKER--

The select committee to which was referred a bill of this *House* entitled a bill for the relief of Marshal S. Wines have had the same under consideration and directed me to report the same back to the *House* with one amendment, which is by striking it out from the title and inserting the following, and ask the concurrence of the *House*.

Which amendemnt was concurred in and the bill passed.

Ordered that the Senate be informed thereof.

Mr. Bowers made the following report:

MR. SPEAKER:

The select committee to whom was referred the bill (No. 69,) of the House, entitled, "a bill making appropriation to build a bridge across Laughery creek, in Ripley county," has had the same under consideration according to order, and has instructed me to report the same back to the House with one amendment, viz:

To strike it out from the enacting clause and to insert the following, and to recommend the passage of the same so amended.

Mr. Butler of V., moved to amend the amendment made by the committee, as follows:

"Strike out that part relating to foot passengers."

Which amendment was agreed to.

When the amendment of the committee as amended, was concurred in;

And said bill was ordered to be engrossed and read the third time on to-morrow.

Mr. Burton offered the following resolution:

*Resolved*, That the Secretary of State be, and he is hereby requested, to furnish this House with one hundred printed copies of the returns of the number of polls in the several counties in this State.

Which was not adopted.

Mr. Clark of Tippecanoe, offered the following resolution:

*Resolved*, That all reports which heretofore have been made to the House, and ordered to be printed, and all which may hereafter be made and ordered in like manner to be printed, shall be placed in the Documentary Journal, and not in the regular Journal, unless by special order of the House.

Which was adopted.

On motion of Mr. Harding,

*Resolved*, That the Treasurer of State report to this House as soon as convenient, the names of the mortgagors for the bonds of the State advanced to the Lawrenceburgh and Indianapolis Rail-road Company, and the amount due by each; Also the description of the land, section, town, and range, the number of acres and the amount for which it was mortgaged; Also state what is now the method of receiving the interest, whether from the company or from individual mortgagors, and if from individuals, state in his report in tabular form, the amount

of interest paid by each; Also state whether in his opinion any additional laws should be enacted for the more punctual payment of the interest, and if so, that he furnish this House a synopsis of such bill.

Mr. Dunn offered the following resolution:

*Resolved*, That the Judiciary committee be instructed to inquire into the necessity of prohibiting by law, the further issue of Treasury notes, which was authorized by a law passed February 15th, 1840; and report by bill or otherwise.

Which was not adopted.

Mr. Leslie moved to reconsider the vote taken on the adoption of Mr. Burton's resolution.

Which motion was not agreed to.

On motion of Mr. Rippey,

*Resolved*, That the committee of Ways and Means be requested to inquire what amendments are necessary to the law regulating taverns and groceries, to give the county commissioners a more discretionary power in levying the amount of tax on license for tavern keepers to retail spirituous liquors.

On motion,

The House adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

The House met pursuant to adjournment.

Bills were then introduced as follows:

By Mr. Dowling, No. 112, to charter the Terre-Haute Cavalry company;

By Mr. Leslie, No. 113, for the relief of late collectors of the county of Harrison;

By Mr. Saylor, No. 114, to authorize Wm. L. McKinney, a minor, to sell certain real estate therein named;

By Mr. Terrell, No. 115, to amend the act incorporating the town of Columbus, in Bartholomew county, approved February 6th, 1839;

By Mr. Rayburn, No. 116, to extend to the settlers on the Wabash and Erie canal lands, the benefits of an act entitled "an act for the relief of settlers on the Wabash and Erie canal lands," approved February 24th, 1840;

Which were severally read a first time and passed to second reading on to-morrow.

The House then proceeded to the orders of the day, being bills on their third reading.

Engrossed bill of the Senate No. 26, for the relief of William H. Evans,

Was read a third time and passed.

Engrossed bill of the Senate No. 30, to amend an act entitled "an act regulating grist mills and millers," approved February 10th, 1831.

The question being put:

"Shall the bill pass?"

And the ayes and noes being demanded by Messrs. Blair and Bowles,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Brenton, Brown, Burgess, Burton, Butler of C., Butler of V., Clark of D., Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hanna, Harrison, Henley, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Lucas, Mason, M'Crillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Read, Rayburn, Rippey, Robbins, Rose, Ross, Russell, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Woodard and Mr. Speaker—69.

*Those who voted in the negative were,*

Messrs. Bowles, Byers, Carr, Casey, Chiles, Chrisman, Clark of F., Conner, Dunbar, Graham, Harding, Harrah, Houghton, M'Cully, Ritchey, Rulon, and Saylor—18.

So said bill passed.

Ordered that the Senate be informed thereof.

No. 93, of the House, to amend the act entitled "an act to regulate general elections," was read the third time; when,

Mr. Atherton moved to recommit said bill to the committee on elections, with instructions so to amend, as to extend its provisions to those counties only desiring it.

Mr. Clark of T., called for a division of the question, (being on committing,) being put, the *House* refused to recommit.

The question then recurring on the passage of the bill, and the ayes and noes being demanded by Messrs. Saylor and Bowles,

*Those who voted in the affirmative were*

Messrs. Ball, Blair, Bowles, Brown, Casey, Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Ccle, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Freeman, Hanna, Harrison, Henley, Jenckes, Kile, Lucas, Mason, McCully, Miller, Newell of Fountain, Newell of White, Rawlings, Rayburn, Ritchey, Rippey, Robinson, Ross, Rulon, Saylor, Shawhan, Shortridge, Smith of F. Stanford, Stratton, Woodard and Mr. Speaker—43.

*Those who voted in the negative were*

Messrs. Atherton, Blankenship, Brenton, Burgess, Burton, Butler of Cass, Butler of Vanderburgh, Byers, Carr, Chiles, Chrisman, Coffeen, Conner, Dunbar, Durbin, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Houghton, Howe, Jones, Kerr, Lancaster, Leslie, McCrillis, Montgomery of G., Montgomery of W., Morgan, North, Quick, Read, Robbins, Rose, Russell, Shanks, Sloan, Smydth of D., Sweetser of Grant, Sweetser of Marion, Terrell, and Walpole—45.

So the bill did not pass.

Mr. Brenton moved to take from the table bill No. 100, "to provide in part for the payment of the interest on the public debt."

Which motion prevailed, and the bill was so taken up, and committed to the committee of the whole House, and made the order of the day for Tuesday next.

The House then took up

## BILLS ON THEIR SECOND READING.

No. 94—"To regulate the receipt and disbursement of the Internal Improvement fund."

Mr. Hanna moved to commit the bill to the committee of the whole House, and make it the order of the day for the present time.

Mr. Houghton moved that the bill be laid on the table.

Which motion was negatived.

The question recurring on the motion of Mr. Hanna,

It was decided in the affirmative.

The House then went into committee of the whole on bill No. 94.

And after sometime spent therein, the Speaker resumed the chair, and Mr. Read the chairman, reported that the committee had, according to order, had bill No. 94 "To regulate the receipts and disbursement of the Internal Improvement fund" under consideration, and had directed him to report the same back to the House with four several amendments.

Which were read and separately concurred in by the House; when,

Mr. Bowles offered the following amendment to the 9th section,

Provided this act shall not be so construed as to alter or change the appointment of superintendent on the New-Albany and Vincennes McAdamized road under the provisions of an act approved February 22d, 1840.

Which amendment did not prevail.

On motion of Mr. Hanna,

Said bill and amendments were re-committed to the committee on canals and Internal Improvements.

No. 95—A bill to provide for the selection of grand and petit jurors,

Was read the second time, when,

Mr. Smith of F. moved the following amendment.



“Strike out all relating to petit jurors and insert the following as an additional section.

Sec. There shall hereafter be selected and summoned, in each county in this state, according to the provisions of the several laws now in force on that subject, a panel of 12 petit jurors for each week of the regular terms of the circuit court of such county, and if such term shall continue for a longer period than one week, a panel of 12 petit jurors shall be selected and summoned for each week of such term.

Mr. Leslie offered the following amendment to the amendment, Strike out 12, first week, and insert 24, when,

On motion of Mr. Walpole,

Said bill and amendments were re-committed to the committee on the judiciary.

No. 96—A bill to vacate a part of the town of Bowlinggreen, in Clay county,

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 99—A bill to prevent speculation by collectors in Treasury Notes,

Was read the second time, when,

Mr. Sloan moved to amend by adding an additional section,

Mr. Brenton moved to commit said bill to the committee of ways and means,

Which was agreed to.

No. 101—A bill to change the time of the annual meeting of the Legislature,

Was read the second time, and,

On motion of Mr. Sweetser of M.,

Was indefinitely postponed.

And then the House adjourned until to-morrow morning 9 o'clock.

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FRIDAY, JAN. 1st, 1841.

The House met pursuant to adjournment.

A message from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives without amendment, entitled as follows, viz

No. 2, an act to regulate the practice in suits at law.

No. 12, an act for the relief of the heirs of John Buck deceased.

Also an engrossed bill of the Senate, entitled as follows:

No. 40, To incorporate the Princeton Musical Institute.

In which bill of the Senate, the concurrence of the House of Representatives is requested.

Bill No. 40, named in the message was read the first time, and passed to a second reading on to-morrow.

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has adopted the following resolution:

*Resolved*, That the House of Representatives be respectfully requested to communicate to the Senate, if in their possession, the documents accompanying the message of His Excellency the Governor.

Whereupon, on motion of Mr. Terrell, the following resolution was adopted;

*Resolved*, That the Sergeant-at-Arms of this House, be directed to supply each member of the Senate, with one copy of the "documents accompanying the Governor's message," in accordance with the resolution of that body, contained in their message of yesterday, this day.

Mr. Brenton presented the petition of Thomas Nichols, a contractor on the public works;

Which was referred to the committee on Canals and Internal Improvements.

Mr. Sweetser of Marion presented the petition of Horatio Gates and others;

Which was referred to a select committee of Messrs. Sweetser, North, and Kerr.

Mr. Brenton from the judiciary committee, made the following report;

MR. SPEAKER;

The committee on the judiciary, to whom was referred the petition of Orsan Willard, praying a special act, legalizing a certain record therein named, have had the same under consideration, and have instructed me to report, that the only evidence they have of facts set forth in said petition, is the petitioners own statements, and are of the opinion that if the facts are true, the petitioners only remedy is in a court of equity; they therefore ask to be discharged from its further consideration.

Which was concurred in, and the committee was discharged.

Mr. Smith of Fayette, from the committee on Canals and Internal Improvements, made the following report:

MR. SPEAKER;

The committee on Canals and Internal Improvements, to whom was

re-committed the bill of the House No. 94, to regulate the receipt and disbursement of the Internal Improvement funds, have directed me to report the same back to the House with an amendment, containing two additional sections.

The amendments were concurred in, and the bill was ordered to be engrossed and read a third time on to-morrow.

Mr. Smydth of D., made the following report:

Mr. SPEAKER;

The committee on Canals and Internal Improvements, to whom was referred the petition of Nathaniel West Sen., have had the same under consideration, and directed me to report a bill entitled "a bill to confirm to Nathaniel West, a certain lease of water power therein named;"

Which was read the first time, and passed to a second reading.

Mr. Sweetser of M. made the following report:

Mr. SPEAKER;

The select committee to whom the petition of Horatio Gates and others, praying a change in the charter of the town of Indianapolis, have had the same under consideration, and directed me to report the following bill, No. 118:

"A bill to amend an act, entitled an act to incorporate the town of Indianapolis in the county of Marion, approved Feb. 17, 1838;"

Which was read the first time, and passed to a second reading.

Mr. Mason made the following report:

MR. SPEAKER—

The select committee to which were referred a resolution of this House in relation to the salary of Auditor, Treasurer and Secretary of State, also the reports of said officers, upon the subject of their salaries, have devoted as much time to said subject as their other duties would permit, and now ask leave to make the following

#### REPORT:

That they have examined each, the report of the Auditor, Treasurer, and Secretary of State, as referred to them; the committee have compared said reports with the several legislative enactments which are believed to be now in force, and find said reports to be correct, and have directed me to report them back to the House, with the following references, to-wit:

#### *Salary of Auditor of State.*

His annual salary—See Revised Code of 1838, page 90,  
sec. 8, . . . . .

\$400 00

On account of Wabash Canal Lands—See acts of 1830, page 16, sec. 9th, . . . . .	100 00
On account of Wabash Canal Lands—See acts of 1835, page 30, sec. 21st, . . . . .	50 00
On account of Internal Improvement—See Revised Code of 1838, page 36, sec. 16, . . . . .	750 00
On account of lots in the town of Indianapolis—See acts of 1831, page 69, sec. 20, . . . . .	14 00
	<hr/>
	\$1,314 00

The amount received by the Auditor on account of Internal Improvements is made to depend upon the amount that the fund commissioners pay the clerk in their office, which the committee learn has been for each of the two years last past to have been the amount above specified.

The Auditor receives in addition to the foregoing, an amount for furnishing the several counties with tract books—(see acts of 1831, page 175, a joint resolution)—which amount is to be equal to the amount paid at the land offices for like tract books. The amount that the Auditor receives annually for this service, your committee have not been able to learn, though the information has been specifically called for; but your committee are of opinion that the amount annually received for this service is variable.

By an act approved February 24th, 1840, the Auditor is required to perform certain duties in relation to the Michigan Road Lands, and to file his claims and vouchers for said services before the committee of ways and means of this House for the present session, and to be by them audited and to be paid out of the Treasury, as the report required by the foregoing act, to be made by the Auditor, to this House, has not yet been made. The committee have no means to determine the amount that the auditor is entitled to receive for these services.

*Salary of Treasurer of State.*

His annual salary—See Revised Code of 1838, page 92, Sec. 17, . . . . .	\$400 00
On account of care of State House—See acts of 1836, page 87, sec. 17, . . . . .	150 00
On account of three per cent. fund—See acts of 1835, page 75, sec. 4, . . . . .	100 00
On account of loan office—two accounts—one of . . . . .	75 00
The other of . . . . .	792 92
(See Revised Code of 1838, page 184, sec. 17.)	
On account of surplus revenue, for clerk hire,—See Re- vised Code of 1838, page 477, sec. 1st, . . . . .	500 00
	<hr/>
	\$2,017 92

It may be proper to say that the item in the above account of

\$792 92 is said to arise from 3-4 of one per cent upon the whole amount of funds in the loan office. The committee not being in possession of the amount of the funds of said office, are not able to speak of its accuracy, but have no doubt from the known character of the officer having the funds in charge, of its correctness.

The committee think it proper to say, that in addition to the foregoing compensation allowed the Treasurer, he is entitled to occupy as a residence, the property of the State, designed for that purpose.

It may not be improper to call the attention of the House to the fact, that the legislature by an act passed at their last session, made the Treasurer of State a Fund Commissioner, and it is the opinion of your committee, that he will be entitled to receive pay at least for a large portion of the time he was employed in the discharge of the duties appertaining to that duty.

### *Salary of Secretary of State.*

His annual salary—See Revised Code of 1838, page 557	
sec. 8, . . . . .	\$600 00
On account of State Library, . . . . .	150 00
do of Wabash and Erie Canal Lands, . . . . .	100 00
do of Superintending Public Printing, &c., . . . . .	200 00
(For these three last items see Local Laws for 1838, page 442.)	
On account of clerk hire—See General laws 1839, page 59, sec. 2, . . . . .	200 00
	<hr/>
	\$1,250 00
For perquisites as set out in his report, referred to the committee, . . . . .	150 00
	<hr/>
	\$1,400 00

Which amount is made up from the following items, to-wit:

For copies of records and papers per sheet of one hundred words, twelve and one half cents. For every certificate and seal, fifty cents. (For these two last named items, see Revised Code of 1838, page 294.) For every Michigan road patent issued by him, the sum of fifty cents. For every patent made for Wabash and Erie Canal Lands, the sum of one dollar. (See acts of 1830, page 16, section 8th.)

The perquisites of this office are paid by the person for whom the service is rendered; and must always be fluctuating and uncertain. Though the fees for granting Michigan Road Lands must soon cease, while the fees for making patents for Wabash Canal Lands must be constantly on the increase, as the final payment upon the first sold lands may be expected, and the individuals paying up desiring the perfecting their title.

The Auditor and Treasurer of State are each required, under an act passed at the last session of the legislature, to perform certain du-

ties in relation to the issue of Treasury notes, for which no compensation is provided. Said services consist of making 150,000 entries of the \$5 00, and 1,500 of the \$50 00 scrip; filling 6 large volumes, containing 27,500 entries each, occupying, as your committee is informed, four months of the time of each of said officers.

The committee deem it unnecessary to pursue this inquiry further, believing that the House will readily concur in opinion with the committee, that the law upon the subject of salary of officers of the State Departments, needs revision and important amendments. The duties in the Auditor's office, and that of the Treasurer, have become so voluminous, and by the acts of the present session, likely to become more so, your committee are of opinion that it would conduce to the interest of the State to allow each of said officers a certain salary, and such an amount of clerk hire as the business in said offices may require, and with a view to this object, the committee have directed me to report the following bill.

That part of the resolution referred to the committee, which relates to the subject of change in the mode of doing the business in said offices, have had the same under their consideration, and have devoted such attention to the subject as has convinced them that important changes are necessary. The whole business of the loan office under the now existing law, is performed by the Treasurer of State, and consequent'y there is no check upon that officer, and as the sum total in this office is swelled to a large amount by the addition of a large number of small items, the committee have directed me to report a bill regulating the mode of doing the business in the Loan Office.

There is another subject to which the attention of the committee has been called: the Secretary of State is State Librarian. The Library is now kept in the State-House, and for the convenience of the legislature should be continued. While the office of Secretary of State is and must be continued to be kept in another building remote from the State-House, therefore the connection of the two offices are incompatible. The committee also find that under the present law, the Treasurer of State is keeper of the State-House—as his office of Treasurer is not in the State-House, these offices are not connected. Again: The duties of Librarian require him to have access to the Library, and during the sittings of the legislature, to be a large portion of his time in the Library. The keeping of the House in the hands of another individual, would be the source of conflicting duties and the source of much ill-convenience, and might to some extent, as has been the case, lead to the neglect of one or the other of those duties. The committee therefore have directed me to report the following bill.

The committee would call the attention of the House to another branch of this subject. By the report of the Secretary of State, a contract has been entered into for the keeping of the Secretary's office in a building belonging to the State Bank, at an annual expense of \$250 00. This expense has been incurred as alleged, for the safety of the State records, by having a fire proof vault connected with the office.

As the building on the Governor's Circle is now in good repair from recent improvements, and is not likely to be ever used for the purpose for which it was originally intended, and has been used for offices, and is so used at this time, the committee are of opinion, that permanent arrangements should be made for continuing the use of said building for State offices; and if fire proof vaults be necessary for the safe keeping of the public records, they may be constructed in the building before referred to, at an expense not exceeding two or three years rent for one office, at the rate now paid for an office for Secretary of State.

But the committee are of opinion that the house may be rendered safe from fire kept within the building by properly sheeting the floor around the hearths with sheet iron and furnishing suitable fenders to each fire place, these improvements can be made for about fifty dollars; this expenditure, and proper care on the part of the officers occupying the house it may be rendered tolerably secure, and may be made to accomodate all of the offices wanted by the state; the committee have directed me to report a bill embracing the foregoing provisions, which is herewith accompanying.

Bills No. 119, regulating the salaries of Auditor, Secretary and Treasurer of State; and No. 120, to provide for keeper of the State House and Library; and 121, to amend an act entitled an act to authorize the loaning of the College fund, were read the first time and passed to a second reading on to-morrow.

*Mr. Mason* also made the following report:

MR. SPEAKER—

The select committee to which was referred bill No. 49 of the house have had the same under consideration, and have directed me to report the same back to the house with the following amendments:

1st, add at the end of the second section the following:

*Provided*, That said board may if they deem it expedient, exempt from said notice the fine writing paper, quills, wafers, sandboxes, ink-stands, and steel pens: *Provided* further, that the articles named in the foregoing proviso, may be by one of their number or by their agent purchased at private sale in one of the eastern cities.

2d. Add the following sections to the bill:

Sec. 6th. It shall be the further duty of the Auditor, Treasurer, and Secretary of State to make such alterations and repairs to the State House for its preservation as they may deem necessary and proper, including the furniture thereof.

Sec. 7. The sum of \$400 00 directed to be expended under the direction of Auditor, Treasurer, and Secretary of State, as provided for in an act providing for State Librarian for the annual increase of the State Library, shall be by them expended in the purchase of good and substantial works of such kind as they may think will best conduce to the public good, said books when so purchased, shall be delivered to the State Librarian to be by him placed in the State Library; the Librarian shall upon the receipt of the books give a receipt

for the same, which shall be entered upon the books of the Auditor, together with a catalogue of the books so delivered: *Provided* also, that it shall be their duty to take an invoice of all the books in said Library, on the going out of office of any Librarian, and report the same to the next sitting of the Legislature: *Provided* further, that if the Legislature be in session at the time such Librarian goes out of office the report shall be made at that session.

Sec. 8. It shall be the duty of the Auditor of State to have the superintendence of the buildings on the Governor's circle, and to make such repairs to the same as may be necessary to preserve the same, also to procure suitable and safe fire fenders to each of the fire places that are used in said building, together with suitable sheet iron covering for the floor around the hearths of said fire places, all of which shall be done with the advice and consent of the Secretary and Treasurer of State.

Sec. 9. The offices of Auditor and Secretary of State shall be kept in the building on the Governor's circle: *Provided*, that the Secretary's office shall not be moved from the place where it is now kept until the contract for rent now existing between the State and the Bank can be recinded or expires.

Sec. 10. The office of Treasurer of State, shall be kept in the building now occupied by the Treasurer, and the Treasurer is hereby authorized to occupy the property connected with said office as a residence, and to make such repairs as will preserve the same, which repairs shall be made with the advice and consent of the Auditor and Secretary of State.

Sec. 11. All sums of money necessary to carry the provisions of this act into effect, shall be paid out of the Treasury on the completion of any contract or contracts, herein provided for upon warrants drawn by the Auditor, and shall be annually reported in items, both by the Auditor and Treasurer.

Sec. 14. All laws and parts of laws coming within the purview of this act, be and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

Sections six and seven of the bill, shall be denominated sections twelve and thirteen.

The amendment made by the committee was concurred in, and said bill No. 69, the better to provide for annual supplies of paper, stationary, light and fuel for state purposes;

Was ordered to be engrossed for a third reading on to-morrow.

Mr. Conwell offered for adoption the following resolution:

In as much as the State Bank of Indiana, by her suspension of specie payments, has forfeited her charter; and whereas much and general dissatisfaction now exists throughout the country, on account of the favoritism shown by the Bank in its discounts, and the usury practised upon the community, by an unjust and oppressive traffic in the purchase and sale of drafts, thereby filching from the community, a high, unjust and illegal rate of interest, for the exclusive benefit of the stock holders; and as much benefit would accrue to the



state and community at large, by remodelling the charter of the Bank; Therefore,

*Resolved*, That a select committee be appointed, whose duty it shall be, to inquire into the expediency of reporting a bill to this House, remodelling the charter of the Bank, embracing the following among others provisions:

1st. To increase the capital of the bank.

2d. That two thirds of the capital stock be taken by the state.

3d. That the interest charged to borrowers, shall in no case exceed six per cent. per annum.

4th. That the state board of direction, shall so equalize the loans to be made, that each and every township in each county throughout the state, shall be entitled to, and receive an equal share in a fair proportion, of the loans or discounts to be made, provided they apply for the same.

5th. That of all loans made, twenty per centum shall be paid in every four months.

6th. That the board doing county business, in each and every county of the state, shall be constituted a board to determine upon the solvency of all paper that may be offered to the banks for discount from the several townships, of the several counties, and endorse the same to be discounted at the bank as good.

7th. To prohibit the bank from dealing in drafts of any description whatsoever for the purpose of making money; but to give them the privilege of an exchange, the rate of exchange to be fixed by the Legislature annually.

Mr. Clark of T. moved to commit the resolution to the committee of the whole House, and make it the order of this day now.

Mr. Conwell moved to lay the resolution on the table;

Which was decided in the negative.

The question then recurred on the motion of Mr. Clark of T., to commit said resolution to the committee of the whole for this day;

And the ayes and noes being called for by Messrs. Walpole and Conwell.

*Those who voted in the affirmative were,*

Messrs. Blankenship, Bowers, Brenton, Brown, Burgess, Burton, Butler of V. Byers, Chiles Clark, of F. Clark of T. Coffeen, Coleman, Defrees, Dowling, Dunn, Elkins, Graham, Harding, Harrah, Harrison, Henley, Houghton, Howe, Jones, Kerr, Kile, Leslie, Lucas, Mason, M'Coy, M'Crillis, M'Cully, Montgomery of W. Newell of F. Newell of W. Quick, Read, Rippey, Robbins, Ross, Rulon, Shawhan, Shortridge, Sloan, Smydth of D. Sweetser of G. and Sweetser of M.—48.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Bowles, Butler of C. Carr, Casey, Clark, of D., Cole, Conwell, Dunbar, Durbin, Farrington, Foote, Free-

man, Goodenow, Hamer, Hanna, Jenckes, Lancaster, Miller, Montgomery of G. Morgan, North, Rawlings, Rayburn, Robinson, Rose, Russell, Saylor, Shoonover, Shanks, Smith of F. Stanford, Stratton, Terrell, Walpole, Wilson, Woodard and Mr. Speaker—40.

So the motion to commit prevailed.

The House then went into committee of the whole on Mr. Conwell's resolution;

And after some time spent therein;

The Speaker resumed the chair, and Mr. Robinson, the chairman, reported the resolution back to the House with one amendment; which is, strike out "board doing county business" and insert, "Overseers of the Poor;"

On the question, shall said amendment be concurred in by the House;

And the ayes and noes being requested thereon by Messrs. Conwell and Burton.

*Those who voted in the affirmative were,*

Messrs. Ball, Brown, Butler of V., Chiles, Jenckes, Kile, Newell of F., Sweetser of G., and Mr. Speaker—9.

*Those who voted in the negative were,*

Messrs. Blair, Blankenship, Bowers, Bowles, Brenton, Burgess, Burton, Butler of C., Byers, Carr, Casey, Champer, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunbar, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Hanna, Harrah, Harrison, Henley, Houghton, Howe, Jones, Kerr, Lancaster, Leslie, Lucas, McCoy, McCrillis, McCully, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Robinson, Rose, Ross, Rulon, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Standford, Stratton, Terrell, Walpole, Wilson, and Woodard—75.

So said amendment was not adopted.

On motion of Mr. Burton,

Said resolution was laid on the table.

Mr. Clark of Tippecanoe offered for adoption the following resolution,

*Resolved*, That the committee on Education be instructed to provide by law, that the township treasurers shall on or before the Monday of \_\_\_\_\_ in each year furnish the school commissioner with an enumeration of the children between the ages of five and twenty one years, so as to enable said commissioners to divide the interest of the surplus revenue.

Mr. Houghton moved to amend the resolution by striking out

"The children between the ages of five and twenty-one years" and insert "the polls."

Which was not adopted.

On motion of Mr. Cole,

The resolution was amended by adding the following,

“Also inquire into the propriety of exempting from taxation for school purposes, the property of all black and mulatto persons who are prohibited, in their several townships from participating in the benefit of this fund.”

Mr. Shanks proposed the following amendment,

Strike out “enumeration” and insert “that the school commissioner shall divide the interest arising from the surplus revenue equally among all the townships and fractional townships in his county, without reference to the number of polls or children.”

Which amendment did not prevail.

The resolution, as amended, was then adopted.

On motion of Mr. Dowling,

*Resolved*, That the Chief Engineer be requested to transmit to this House, at his earliest convenience, a detailed account of the operations at the Wabash Rapids, under the act providing for a general system of Internal Improvement—embracing the amount expended of the specific appropriations, the amount of work done, and the present state of the improvements, including a statement of the amount of materials prepared for the erection of dams, &c., and whether all the contracts on the same have been abandoned or relinquished.

On motion of Mr. Montgomery of G.,

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of fixing in the revenue law a minimum of taxation, sufficient in amount to pay the necessary yearly expenditure of the State of Indiana, and all moneys arising from the assessments over said minimum rates, shall by the Legislature be appropriated exclusively to the payment of the interest of the public debt of Indiana.

On motion of Mr. Saylor,

*Resolved*, That the judiciary committee be instructed to inquire into the expediency of so amending the law for the collection of tax on delinquent lands, that no more of said land be sold than will pay said tax and cost, with leave to report by bill or otherwise.

On motion of Mr. Brown,

*Resolved*, That the committee of ways and means inquire into the expediency of so amending the law, as regards collections of the revenue, that it shall be the duty of the collectors to procure a well bound book, in which he shall raise a head for each and every taxpayer, with an alphabet showing on what page or pages each individual's name stands, and under each head to charge each and every tract, piece or parcel of land he, she or they may own in his county or corporation, and also the list of personal property, as taken by the county or corporation assessor. And further it shall be his duty to make out a true copy from said book, for each and every taxpayer, with a receipt, at the foot of said tax account, with the date when paid; and also to enter a credit on his book, the amount paid, and the date of the payment. At the end of each year, or when the taxes shall have been collected

and paid into the State and county Treasury, it shall be the duty of the collector to deposit with the clerk of his county the said tax book, there to be kept by the said clerk, which book shall be evidence of the payment of each and every person's taxes, in every case where the collector's receipt shall be lost or mislaid.

The Speaker laid before the House a report from the Principal Engineer, Jesse L. Williams,

Which was laid on the table and 200 copies thereof ordered to be printed.

Mr. Henley introduced a joint resolution, No. 122, a joint resolution relative to the election of President and Vice President of the United States,

Which was read the first and second times, the rules being suspended, and ordered to be engrossed and read a third time to-morrow.

In consequence of indisposition, Mr. Runyan was excused from the service of the House.

Mr. Shanks made the following report:

MR. SPEAKER,

The committee on Engrossed bills have compared the Engrossed with the original bills of the House, as follows:

No. 26—To amend an act entitled "an act to amend an act entitled an act to incorporate the Lawrenceburgh Bridge Company," approved Jan. 24th, 1831," approved Feb. 15, 1840.

No. 43—To amend an act defining and regulating privileges, approved Feb. 17, 1838.

No. 69—To incorporate the Laughery Bridge Company.

No. 90—To amend an act, "to authorize Daniel J. Hancock and Isaac Hancock, to build a toll bridge across South Hogan.

No. 96—To vacate part of the town of Bowlinggreen, in Clay county.

No. 1—A joint resolution relative to the constitution of the United States,

And find the same correctly engrossed.

And then the House adjourned until to-morrow morning 9 o'clock.

SATURDAY, JAN. 2d, 1841.

The House met pursuant to adjournment.

Mr. Chiles presented the petition of the citizens of New Maysville, in Putnam county;

Which was read and referred to a select committee of Messrs. Chiles, Coleman, and Harrah.

Mr. Byers made the following report from a select committee:

MR. SPEAKER:

The committee to whom was referred the petition of Perry Woodall, praying for the change of the names of certain persons therein named, and for other purposes; have had the same under consideration, and have directed me to report the following bill:

No. 123, to change the name of certain persons therein named, and for other purposes;

Which was read the first time and passed to a second reading on Monday next.

On motion of Mr. Dunn,

*Resolved*, That the committee of Ways and Means be instructed to inquire into the amount necessary to be provided for the redemption of the Treasury notes outstanding, as also for the payment of contractors, that is now unprovided for by law, and report a bill authorizing the sale of State bonds, to meet and regulate those two items of State indebtedness.

On motion of Mr. Wilson,

*Resolved*, That the committee on Agriculture be instructed to inquire into the expediency of so changing the law organizing Agricultural Societies, as to promote more effectually the farming interest of this State, with leave to report by bill or otherwise.

On motion of Mr. Ross,

*Resolved*, That the committee on Roads be instructed to inquire into the expediency of amending the road law, so as to define the number of hours hands shall work each day when called on to discharge their road tax; with leave to report by bill or otherwise.

BILLS INTRODUCED.

By Mr. Robinson, No. 124, to abolish imprisonment for debt, and to subject choses in action and equitable interest to execution;

By Mr. Jones, No. 125, to authorize the board doing county business in Spencer county, to increase the number of places of holding elections in said county;

By Mr. Blair, No. 126, to amend an act to regulate the jurisdiction and duties of justices of the peace, approved February 17th, 1835;

By Mr. Leslie, No. 127, to authorize the sale of the Asylum for the Poor in the county of Harrison;

By Mr. Defrees, No. 128, to incorporate the Euturpian band of South-Bend;

Which were severally read the first time, and passed to a second reading on Monday next.

A message from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has passed an engrossed joint resolution of the House entitled:

No. 71, a joint resolution for the relief of David Rowles;

With one amendment, in which the concurrence of the House of Representatives is requested.

The Senate has also passed a bill originating therein, entitled:

No. 45, a bill for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana;

Which I have been instructed to bring to the House of Representatives and ask their concurrence therein.

The House disagreed to the amendment of the Senate to the joint resolution of the House, No. 71, named in the message.

Ordered, that the Senate be informed thereof.

Bill No. 45, of the Senate, for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana, was read the first time and passed to a second reading on Monday next.

The Speaker laid before the House a communication from Samuel Merrill, President of the State Bank, in answer to a resolution of the House, concerning the issuing of small notes:

*To the House of Representatives:*

The undersigned has received a copy of your resolution of the 29th December, requesting him to communicate answers to the following interrogatories:

"1st. Is it your opinion that the State Bank of Indiana can maintain a larger amount of circulation than it now has, without an increase of specie?

"2nd. What effect would the issuing of small bills by the bank, have upon the circulation of specie for change?

"3rd. Can the bank keep out a larger amount of circulation in bills below the denomination of five dollars, than it could in fives and tens?

"4th. As the bank is limited in its issues in proportion to the amount

of specie paid in—What advantage would result from the substitution of small bills for the present circulation?

“5th. Would you consider the issuing of small bills by the bank, an improvement or debasement of the currency?”

“6th. What effect would the issuing of small bills by the Bank of Indiana, be likely to have upon the credit and character of her paper in the eastern cities?”

The undersigned in answer to the first interrogatory, respectfully submits, that the circulation which the State Bank can maintain, is believed to depend mainly on the following considerations:—The reputation of the officers of the Institution for integrity and ability—the punctuality of its customers—and the State of the trade of the country as to the balance being for or against it. When the Directors of a Bank are known to keep on hand a large amount of specie, this circumstance affords evidence of their good intentions; and such is the difficulty of supplying a deficiency of specie in most western banks, that should any of them neglect preparations for an emergency in this respect, they would justly forfeit public confidence. When however, funds are provided by banks, at places where their paper tends to concentrate, they contribute much more effectually to maintain a good circulation than by merely hoarding specie.

The circulation most to be relied on, must in general be where the bank is best known, and in the business of the country where it is located. When money loaned of a bank is paid out for produce or labor, and when the borrowers are punctual, the circulation will be much more valuable both to the bank and country, than if the loans are made to pay debts to distant creditors, or for the purchase of foreign merchandise.

The balance of trade is probably at this time in favor of the State, though the benefits that might be expected from this circumstance, are not realized on account of the large foreign debt still due. When the business of the country shall again insure regular returns, and possess a character of permanency, a considerable increase of circulation may be expected by the banks.

From such knowledge of all these matters, as the undersigned possesses, he is of opinion that the present circulation of the bank will not be materially reduced till late in the spring—that in the summer and fall the circulation of ten of the branches will be reduced about one-sixth without much decrease of their specie—that the other three branches before the end of the year, will be obliged to redeem one-third of their circulation, and reduce their specie to one-half the present amount—and that even if more specie were procured, which can only be done by parting with other valuable means, no considerable increase of circulation could be maintained under the powers now exercised by the charter. To keep it near its present amount will be doing better than the same amount of bank capital in any other part of the Union.

To the 2nd and 5th interrogatories, the undersigned answers, that so far as the small bills of the bank shall take the place of other small

bills, whether of individuals or foreign banks, the effect for the present will be favorable in every respect. Even specie will circulate more freely, when there is no doubt of the paper currency; for while questionable paper circulates at all, specie even for *change* will be held back when it can be. It is proper however to observe, that when there is a tendency to over banking, (which there is not at this time except by very doubtful banks,) it would be well to restrain over issues by prohibiting small bills, if no better remedy can be devised. A more effectual check, it is believed, would be the prevention of long loans, especially to stockholders. When borrowers expect to pay promptly, there is little danger of their borrowing too much.

To the 3rd interrogatory, the undersigned answers that he is of opinion that the circulation of the bank, in notes under five dollars, must always be much less than in fives and tens. Probably the latter would continue to be four or five times the former. Heretofore some of the branches have found their best circulation in fives, others in twenties and fifties. If the privilege of issuing small notes should be allowed, some of the branches would no doubt be more profited than others.

To the fourth interrogatory the undersigned answers, that the bank is not limited in its issues of paper in proportion to specie paid in. The only limit is *twice the capital of the bank*. But it will never perhaps, be safe or prudent to have issues to that extent. Probably the circulation will seldom hereafter exceed once and a fourth the capital. The advantages of issuing small bills by the bank would be: First, the specie saved when calls should be made for exchanging larger notes. This would embrace most of the calls for mere business and convenience. Second, the circulation of the small notes would be mostly in the State, and therefore they would only come back for redemption in small quantities; and Third, the bank would be able to keep out an increased circulation, if it should gradually introduce the new currency.

To the 6th interrogatory the undersigned answers, that the bank can neither hope nor desire to circulate their paper in the eastern cities to any extent. The natural and also ample field for its circulation is those parts of the western country with which it has business connections. If too much should be attempted to be made of the small note currency, if there should be any appearance of its flooding the country, the injury to the bank would, no doubt, be much greater than the benefit. It would scarcely seem prudent to issue more than \$20,000 or \$30,000 a branch the first year.

Whenever there is again a tendency to over banking, small notes should be prohibited at once, unless more efficient measures to prevent the evil can be adopted.

These opinions are submitted with much diffidence, as circumstan-



ces not now anticipated may occur, which, if foreseen, would have led to very different conclusions.

I have the honor to be, &c.

S. MERRILL.

State Bank, Jan. 1, 1841.

HON. S. JUDAH,

*Speaker of the House of Representatives.*

Which was read and referred to the same committee of the whole House to which bill No. 100, had been referred.

On motion of Mr. Farrington,

Bill No. 78, providing for the payment of the Bank debt, was taken from the table.

Mr. Defrees introduced bill 129 for the incorporation of the Bristol manufacturing company;

Mr. Sweetser of *M.* introduced a bill No. 130, to amend an act entitled "an act to incorporate the Marion Fire engine Company," approved January, 20, 1838;

Both of which were read and passed to a second reading on Monday next.

The House then proceeded to the orders of the day.

No. 1. A joint resolution on the subject of amending the constitution of the United States was read the third time, when,

Mr. Henley moved to recommit said joint resolution to the committee on federal relations with instructions to insert after the word "term," the words "of four years."

And the ayes and noes were demanded thereon by Messrs. Henley and Rulon.

*Those who voted in the affirmative were,*

Messrs. Bowles, Brenton, Burton, Byers, Carr, Casey, Clark of F., Clark of T., Coffeen, Conwell, Dowling, Dunn, Dunbar, Durbin, Graham, Henley, Lucas, McCoy, McCully, Miller, Montgomery of G., Morgan, Newell of F., Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, and Schoonover,—30.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Brown, Burgess, Butler of C., Butler of V., Champer, Chiles, Cole, Coleman, Conner, Defrees, Elkins Farrington, Freeman, Foote, Goodenow, Hamer, Harding, Harrah, Harrison, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, Montgomery of W., Newell of W., North, Quick, Rayburn, Robbins, Robinson, Rose, Ross, Russell, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Terrell, Walpole, Wilson, and Mr. Speaker—56.

So the House refused to commit, and the question then recurring on the passage of the joint resolution.

And the ayes and noes being demanded thereon, by *Messrs. Sweetser of M. and Rippey.*

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Brenton, Brown, Burgess, Butler of C., Butler of V., Burton, Casey, Champer, Chiles, Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Hardiag, Harrah, Harrison, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, McCrillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newel of W., North, Quick, Read, Reyburn, Ritchey, Robbins, Robinson, Ross, Russell, Sayler, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Wilson, and Mr. Speaker,—72.

*Those who voted in the negative were,*

Messrs. Bowles, Byers, Carr, Clark of F., Dunbar, Durbin, Graham, Henley, Lucas, McCoy, McCulley, Newel of F., Rippey, and Kulon—14.

So said joint resolution passed.

Ordered that the clerk inform the Senate thereof.

Mr. Butler of C. made the following report:

**MR. SPEAKER—**

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills, which originated in the Senate, of the following titles and find the same duly enrolled, to-wit:

No. 23, an act to vacate the town of Harrison in Delaware county.

No. 18, an act to extend the provisions of certain acts therein named to the county of Grant.

**MR. SPEAKER—**

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills which originated in the Senate of the following titles, to-wit:

No. 26, an act for the relief of William H. Evans.

No. 30, an act to amend an act entitled an act regulating grist mills and millers, approved Feb. 10, 1831.

Mr. Butler of C. made the following report:

**MR. SPEAKER—**

The joint committee on enrolled bills report that they have this day presented to his excellency, the Governor, for his approval and signature the following entitled acts, to wit:

No. 23, an act to vacate the town of Harrison in Delaware county.

No. 18, an act to extend the provisions of certain acts therein named to the county of Grant.

Mr. Shanks made the following report:

Mr. SPEAKER—

The committee on engrossed bills have examined the engrossed bills of the House as follows:

No. 49, the better to provide for annual supplies of paper, stationery, lights and fuel for state purposes.

No. 94, to regulate the receipt and disbursement of the internal improvement fund.

No. 122, a joint resolution relative to the election of President and Vice President of the United States.

And find the same correctly engrossed.

Bill No. 26, to amend an act entitled an act, to amend an act entitled an act to incorporate the Lawrenceburgh bridge company, approved January 24, 1831, approved February 15, 1840.

Was read the third time, and on motion of *Mr. Dunn* recommitted to a select committee of Messrs. Cole, Blair, and Clark of T.,

A message from the Senate by *Mr. Harris*, a member.

Mr. SPEAKER—

I have been directed by the Senate to inform the House of Representatives that the Senate have receded from their amendment to the joint resolution of the House of Representatives.

No. 71, a joint resolution for the relief of David Rowles.

On motion, the House adjourned until Monday morning, 9 o'clock.

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MONDAY, JANUARY 4th, 1841.

The House met pursuant to adjournment.

Mr. Shanks presented the petition of Cindarella Hooker, praying for a special act to sell real estate,

Which was read and referred to a select committee of Messrs. Shanks, Schoonover and Read.

Mr. Sweetser of G. presented the petition of sundry citizens of Wabash county, relative to a state road.

Which was referred to the committee on roads.

Mr. Freeman presented the petition of Jacob Young and others of Greene county, relative to the school fund,

Which was referred to the committee on education.

Mr. McCully presented the petition of sundry citizens of Carroll county, relative to the Carroll Light Infantry Company,

Which was referred to the committee on roads.

Mr. Bowers presented the petition of sundry citizens of Ripley county, in reference to abolishing imprisonment for debt,

Which was laid on the table.

Mr. Sweetser of Marion presented a communication from H. L. Ellsworth,

Which was read and referred to the committee on corporations.

Mr. Atherton, chairman of the committee on elections, made the following report:

MR. SPEAKER—

The committee on Elections, to whom was referred a resolution of this House, inquiring into the necessity of providing for the election of members of Congress at an earlier day than the first Monday in August; in the event of a called session, have according to order had the same under consideration, and have directed me to report that any legislation on that subject is inexpedient, and respectfully ask leave to be discharged from the further consideration of the same.

Mr. Robinson moved "to recommit the resolution and report to a select committee, with instructions to provide for the election of members of Congress on the first Monday of April next."

On motion of Mr. Clark of T.,

The instructions were amended as follows: "In case there should be a called session of Congress."

Mr. Dunn moved to strike out "the first Monday of April next."

Which was agreed to.

And the instructions, as amended, were adopted, when,

The resolution, report and instructions were recommitted to a select committee of Messrs. Sweetser of M. Robinson and Defrees.

Mr. Jenckes, chairman of the committee of ways and means made the following report:

MR. SPEAKER—

The committee on ways and means to whom was referred a communication of the Treasurer of State, enclosing the copy of a letter received by him from Edward H. Jacot of the city of New York relative to a loss sustained by him, in consequence of the robbery of the United States' mail, of a thousand and twenty dollars in Treasury Notes, have had the subject under consideration, and instructed me to report the following bill;

No. 131—For the relief of Edward H. Jacot,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Dunn made the following report,

Mr. SPEAKER—

The committee on ways and means, to whom was referred the resolution of the House, No. 16, directing an inquiry into the expediency of amending the act approved Feb'y 3d, 1832, regulating taverns and groceries, so as to allow the freeholders of any town or township to remonstrate against the granting of any license to retail spirituous or strong liquors in their respective towns or townships, by voting at their spring election for or against the same, have had the same under consideration according to order, and have directed me to report, further legislation on this subject is inexpedient.

The report of the committee was concurred in.

Mr. Butler of V. made the following report.

Mr. SPEAKER—

The committee of ways and means to whom was referred a bill, No. 99, to prevent speculation by collectors in Treasury Notes, have had the same under consideration, and have directed me to report it back to the House with the following amendment, which is, to strike out from the enacting clause and insert the following bill,

No. 99—To prevent speculation, by collectors in Treasury Notes,

Which was read the second time, when,

On motion of Mr. Shortridge,

Said bill was amended in the proper place by adding "further than is necessary to make change."

Mr. Henley moved to amend by striking out the second section of the bill,

Which motion did not prevail,

Mr. Brenton moved that the bill be laid upon the table.

Which was decided in the negative.

The question then recurred on the engrossment of said bill,

And the ayes and noes being demanded thereon by Messrs. Brenton, and Henley,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Brown, Burgess, Butler of C., Butler of V., Champer, Clark of D., Clark of F., Clark of T., Cole, Conwell, Dunn, Farrington, Foote, Freeman, Harding, Jenckes, Kile, Lancaster, Mason, McCrillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Quick, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Stanford, Sweetser of G., Walpole, and Mr. Speaker.—43.

*Those who voted in the negative were*

Messrs. Bowles, Brenton, Burton, Byers, Carr, Casey, Chiles, Chrisman, Coffeen, Coleman, Conner, Dunbar, Durbin, Goodenow, Graham, Hamer, Hanna, Harrison, Henley, Houghton, Howe, Jones, Kerr, Leslie, Lucas, McCoy, McCully, Newell of Fountain, Rawlings, Read, Rippey, Robinson, Rulon, Saylor, Schoonover, Shanks, Sloan, Sweetser of M., Wilson—39.

So said bill was ordered to be engrossed for a third reading on tomorrow.

Mr. Butler of V. also made the following report:

Mr. SPEAKER,

The committee of ways and means, to whom was referred a resolution of this house, instructing them to inquire into the expediency of imposing a tax for a limited period (of not more than five dollars) upon each practising physician, attorney and counsellor at law, and other of the learned professions in this state, have had the same under consideration, and have directed me to report that they deem legislation on this subject unnecessary, and ask to be discharged from the further consideration of the same.

Mr. Graham moved to recommit the resolution and report to a select committee with instructions to report a bill.

Mr. Brenton moved to amend the instructions as follows:

"Providing for the appointment of a phrenologist, to examine all lawyers and doctors with a view to an ad valorem tax."

Mr Clark of T. moved to amend the amendment by striking it out and insert "in proportion to the income derived from their respective professions,

When, Mr. Hamer moved that the resolution, report and amendments be indefinitely postponed,

And the ayes and nays being demanded thereon by Messrs. Hamer and Saylor,

*Those who voted in the affirmative were*

Messrs. Ball, Blair, Bowles, Brown, Burgess, Butler of Cass, Carr, Casey, Chrisman, Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Coffeen, Conner, Conwell, Dunbar, Durbin, Freeman, Hamer, Harding, Harrison, Jenckes, Leslie, Mason, McCrillis, McCully, Montgomery of G., Montgomery of W., Morgan, Newell of W., Quick, Rawlings, Read, Rippey, Rulon, Runyan, Russell, Schoonover, Shanks, Shortridge, Sloan, Stanford, Wilson and Woodard.—44.

*Those who voted in the negative were,*

Messrs. Atherton, Blankenship, Bowers, Brenton, Burton, Butler of Vanderburgh, Byers, Champer, Chiles, Cole, Coleman, Dunn, Farring-

ton, Foote, Goodenow, Graham, Harrah, Henley, Houghton, Howe, Jones, Kerr, Kile, Lancaster, McCoy, Miller, Newell of Fountain, North, Rayburn, Ritchey, Robbins, Robinson, Rose, Ross, Saylor, Shawhan, Sweetser of G., Sweetser of Marion, Walpole and *Mr. Speaker*—40.

So said bill was indefinitely postponed.

*Mr. Butler* of V. made the following report:

**MR. SPEAKER—**

The committee of ways and means, to whom was referred a resolution of this House, requesting the committee to inquire what amendments are necessary to the law regulating taverns and groceries, so as to give more discretionary power to the county commissioners, have had the same under consideration, and have directed me to report that they deem legislation thereon unnecessary at this time, and ask to be discharged from the further consideration of the same.

The report was concurred in, and the committee discharged.

*Mr. Chiles* made the following report:

**MR. SPEAKER;**

The judiciary committee to which was referred a resolution of the House, No. 33, instructing them to inquire into the expediency of requiring hereafter, that all executions in capital cases, be executed within the walls of the prison or in some other private manner, with the adopted amendment, inquiring into the expediency of abolishing capital punishment: Also the petition of the Young Men's Literary Lyceum of Union country; have seriously considered these subjects, and make the following remarks, preparatory to a bill;

The committee are of opinion that man has no right to take the life of his fellow man; that he has that power physically, the committee have historic evidences both numerous and melancholy. To the customs of stupid and tyrannical Turkey, to long oppressed and disheartened Ireland, and of revolutionary France, the committee could refer for the purpose of illustration but not of example. They clearly show that the frequency of crime is not prevented by the disgusting horrors of the punishment that awaits its perpetrator. The committee do not however, rest their determination upon the barbarous and unsuccessful experiments of other countries, or even of our own. They take the high moral ground of the Roman maxim, "homo homini res sacra," which, in plain English means, "man to man is a sacred thing;" in this connection, they would respectfully ask, if the extinction of human life by the judgment of any earthly tribunal, is not contrary to our best judgment of right, and all the sympathies of our nature? They would further ask, of all those who have witnessed capital punishment, whether, at the sad moment of its execution, they have not felt an almost irrepressible inclination to rescue the victim from his fate. This wish, often involuntarily expressed, is the off-

spring of that bold working of the human heart, which no legislation can, or ought to restrain.

The committee are of opinion, that that class of offenders who would traitorously subvert the order of civil government, and thus involve in the chances of common ruin, the lives of the innocent, the property of the honest, and the happiness of all, is totally unfit for society. They entertain the same opinion in regard to that other class of offenders, who, in violation of their own consciences, and the law of God, persevere in the dark design of imbruing their hands in the blood of their fellow man. The committee, nevertheless, believe that there are means of taking bad men, from society, other than by decapitation or strangulation. In connection with this suggestion of humanity, the committee would associate the christian doctrine, that "the vilest sinner may return." This is also the doctrine of benevolence and of hope. However hardened the offenders alluded to, may be in the eye of the public, the committee are of opinion that they are not entirely unsusceptible of reclamation.

In conclusion, the committee believe, that to remove from the criminal code of our state, all authority for capital punishment, would add one other to the many recorded honors of Indiana.

Entertaining these views, thus briefly expressed, the committee have directed me to report the accompanying bill

No. 132, to abolish capital punishment;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Brenton made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the petition of Elizabeth Hughes of Monroe county, praying for the passage of a special act, authorizing her, as the guardian of her infant children, to sell and convey certain real estate therein named, for the benefit of said children, have had the subject matter of said petition under consideration, and have directed me to report, that as the object of the petitioner can be accomplished by application to the Probate Court, under the statute providing for the sale of real estate belonging to minors; further legislation is inexpedient, and ask to be discharged from its further consideration;

Which was read and concurred in.

The following report was made from the committee on corporations by Mr. Robinson its chairman:

MR. SPEAKER:

The committee on corporations, to which was referred engrossed bill of the Senate, No. 24. entitled "an act (engrossed bill) to incorporate the Saint Gabriel College," have had the same under consideration



according to order, and have directed me to report the same back to the House without amendment, and recommend its passage.

The bill named in the report, was ordered to be engrossed for a third reading on to-morrow.

Mr. Sweetser of G. made the following report:

MR. SPEAKER;

The select committee to whom was referred the petition of William Steele and others, asking the passage of an act authorizing William Mumford to build a bridge, across the Wabash river, have according to order, had the same under consideration, and directed me to report a bill,

No. 133, to authorize William Mumford to build a bridge over the Wabash river;

Was read the first time, and passed to a second reading on to-morrow.

Mr. Stanford made the following report:

MR. SPEAKER:

The select committee on the subject of apportioning the Senators and Representatives, in the General Assembly of this state for the ensuing five years; have directed me to report a bill,

No. 134, for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana;

Which was read the first and second times, (the rules being suspended,) when

Mr. Stanford moved to recommit said bill to the apportionment committee.

Mr. Brenton moved to recommit to a select committee, of one member from each circuit;

Which was not agreed to.

Mr. Henley moved to commit the bill to the committee of the whole House;

Which motion did not prevail.

Mr. Read moved a division of the question,

And the question being put,

Will the House commit said bill?

It was decided in the affirmative;

And the question recurring on recommitting to the apportionment committee, it was agreed to.

Mr. Brenton moved to instruct the committee as follows: by reporting a bill providing that they lay off the state of Indiana, into forty-two Senatorial districts, without any reference to the present districts or counties; and to reduce the number of Senators to forty-two; and the number of Representatives to eighty-four members; and in laying off Senatorial districts, they shall be governed by the number of white

male inhabitants over the age of twenty-one years; and not by Territory, nor any other consideration.

Mr. Champer then moved the following amendment to the instructions: "or as near the number of eighty Representatives and forty Senators as may be, not to legislate Senators out of office;"

Which was disagreed to.

On motion of Mr. Stanford, a call of the House was ordered.

Leave of absence was granted to Messrs. Boon and Hanna, in consequence of indisposition.

Leave of absence also was granted to Mr. Peck.

Mr. McCoy moved the following amendment: "instruct the committee to report the representation according to the number of voters in each county, as near as possible;"

Which was decided in the negative.

The question then recurring on adopting the instructions;

And the ayes and noes being demanded thereon by Messrs. Newell of F. and Brenton.

*Those who voted in the affirmative were,*

Messrs. Ball, Blankenship, Brenton, Burgess, Casey, Champer, Chiles, Clark of D., Clark of T., Cole, Coleman, Conwell, Dowling, Dunn, Farrington, Freeman, Goodenow, Harding Harrah, Harrison, Lancaster, Lucas, McCoy, Montgomery of G., Morgan, Newell of F., Quick, Robinson, Rose, Ross, Shortridge, Smith of F., Stratton, Sweetser of M., Terrell, Walpole, Wilson, and Woodard—38.

*Those who voted in the negative were,*

Messrs. Atherton, Blair, Bowers, Bowles, Brown, Burton, Butler of C., Butler of V., Byers, Carr, Chrisman, Clark of F., Coffeen, Conner, Defrees, Dunbar, Durbin, Elkins, Foote, Graham, Hamer, Henley, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Leslie, McCrillis, McCully, Montgomery of W., Newell of W., North, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Sloan, Smydth of D., Stanford, Sweetser of G., and Mr. Speaker—52.

So the House refused to so instruct the committee.

Mr. Morgan then moved the following instructions:

"So to amend as to fix the number of Senators at not less than forty nor more than forty-five, and the number of Representatives at not less than eighty nor more than ninety."

Mr. Montgomery of W., moved to amend the instructions proposed by Mr. Morgan by adding the following:

"Provided also that the said committee in forming the apportionment shall take into consideration the progressive state of the population in the new counties."

Which was decided in the negative.

The question then recurred on adopting the instructions of Mr. Morgan:

And the ayes and noes being demanded thereon by Messrs. Morgan and Chrisman,

*Those who voted in the affirmative were,*

Messrs. Ball, Blankenship, Brenton, Burgess, Casey, Champer, Clark of D., Clark of T., Coffeen, Coleman, Conwell, Dowling, Dunn, Farrington, Freeman, Goodenow, Hamer, Harding Harrah, Harrison, Lancaster, Lucas, McCoy, Morgan, Newell of F., Quick Robinson, Rose, Ross, Shortridge, Smith of F., Stratton, Sweetser of M., Terrell, Wilson, Woodard, and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Atherton, Blair, Bowers, Bowles, Brown, Burton, Butler of C., Butler of V., Byers, Carr, Chiles, Chrisman, Clark of F., Cole, Conner, Defrees, Dunbar, Durbin, Elkins, Foote, Graham, Henley, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Leslie, McCrillis, McCully, Miller, Montgomery of G., Montgomery of W., Newell of W., North, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Sloan, Smydth of D., Standford, Sweetser of G., and Walpole—54.

So the *House* refused to instruct the committee.

When on motion of Mr. Standford the apportionment bill of the Senate was taken up (the rules being suspended) and that and the bill of the committee were committed to the apportionment committee.

And the *House* adjourned.

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2 o'clock, P. M.

The *House* met pursuant to adjournment.

The Speaker laid before the *House* the following communication from Nathan B. Palmer, Treasurer of State relative to the finances.

TREASURER'S OFFICE, }  
 Indianapolis, Jan. 1, 1841. }

*To the Hon. General Assembly of Indiana:*

The undersigned Treasurer of State, in the annual report in relation to the finances which he had the honor to communicate to the General Assembly at the opening of the present session, gave the opinion, "that an amount of funds, other than Treasury notes, would be paid into the Treasury for revenue, which, with the amount the Fund Commissioners will be able to deposite to the credit of the Treasurer of State under the joint resolution of the 24th February last, would be adequate to the discharge of all claims upon the Treasury for the ordinary expenses of the state for the year 1841. And it was also indicated, that if, in the course of payments of Revenue at the Treasury, this prediction should fail to be realized, the General Assembly would be advised of the fact.

The payments of revenue being now nearly completed, and it being found that almost the entire revenue has been paid in Treasury notes, it has become my duty to advise the General Assembly thereof, and of the amount which it will be necessary to provide to supply the deficiency and enable the Treasury to meet the current demands for the civil list for 1841.

The Fund commissioners at their meeting in October last, determined on depositing to the credit of the Treasurer of State, as contemplated in said joint resolution, the Bank dividends on the stock created by the surplus revenue, and the interest on loans of the same fund under charge of the sinking fund commissioners, which it is estimated will produce about \$44,000.

The periods at which this amount would be available, would be, about \$17,000 in October 1840—\$17,000 in May 1841, and \$10,000 in July 1841.

It was also thought advisable by the Fund Commissioners, in like manner to deposite to the credit of the Treasurer of State, the amount which should be received as interest on canal lands, in the event of the revenue being mainly paid in Treasury notes.

If this be done, it will enable the Treasury to meet the demands of the civil list for the current year, as the amount arising from this last item, (interest on canal lands) will be available during the present session of the General Assembly, when the main disbursements of the year require to be made.

I would respectfully recommend that this course be adopted rather than resort to a temporary loan.

If the General Assembly, shall, however, deem it more advisable to authorize a loan in preference to the course above suggested, it will become necessary, with as little delay as possible, to make such provision for an amount at the discretion of the Treasurer of State, not exceeding \$30,000.

The undersigned deems it proper, here to remark, that the funds proposed to be deposited to the credit of the Treasurer of State, to be applied to the ordinary expenses of the government are by law, set apart for the payment of interest on the public debt.

It is not intended by the present proposed application of the funds to pervert it from the object for which it is pledged, but merely to exchange western funds for such as may be otherwise raised in the east; using the latter there for interest, by which the cost and difficulty of procuring exchange will be obviated.

If there should be a semblance of impropriety in this course, it most certainly will find a palliation in the fact, that the revenue levied for the ordinary expenses of the State, has been absorbed in payment of principal and interest on the public debt in redemption of Treasury notes.

If then, there shall be no action on the part of the General Assembly, in relation to the matter, it will be regarded as an approval of the foregoing recommendation, and reliance will be had for the necessary means, from the source above suggested.

Respectfully,

N. B. PALMER,

*Treasurer of State.*

Which was read and referred to the committee of ways and means.

The Speaker also laid before the House the following report from Treasurer of State in reference to the disbursements on account of furnishing the State House &c.

Which was read and referred to the committee on public buildings.

Mr. Robinson offered the following preamble and resolution.

Whereas, It appears that there are upwards of three hundred insane persons in this state. Therefore

*Resolved*, That the committee of ways and means be directed to inquire into the expediency of providing some effectual means for the custody and care of such insane persons, by authorizing the appropriation of part of the funds designed for the support of the poor in the several counties, to the building of a State Lunatic Asylum, by providing for the erection of said Asylum, by private donations or otherwise.

Which was adopted.

On motion of Mr. Houghton,

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of altering or amending "an act in furtherance of an act to provide a fund for common schools" having a view to the legality of the sale: the revenue, claims of the original holders of the lands, and the promotion of the school funds; and report by bill or otherwise.

Mr. Henley offered for adoption the following resolution,

*Resolved*, (The Senate concurring therein) That this House will adjourn sine die on Monday the 25th of January next.

Which, On motion of Mr. Cole,

Was laid on the table.

Mr. Burton offered for adoption the following preamble and resolution.

Whereas, In the message of his Excellency the Governor, it is there stated that the tolls arising from the finished portions of the Wabash and Erie canal is about \$3000; on the White Water Canal \$1,500; and on the Madison and Indianapolis Rail Road \$14,000, which statement is also set out by the Board of Internal Improvements, but in neither of the aforesaid documents is any reference made to the costs of keeping in repair the aforesaid works.

Therefore be it *Resolved*, That the board of Internal Improvements be and they are hereby requested to furnish this House, at as early a day as possible, a statement showing the net amount of costs in keeping in repair each of the aforesaid works during the time the aforesaid tolls were accruing.

On motion of Mr. Henley,

The resolution was amended as follows: "insert after the word 'repair' where it occurs, the word 'superintendence.'"

The preamble and resolution, as amended, were then adopted.

Mr. Mason introduced a bill, No. 135—To provide for the settlement of disputed claims on the public works,

Which was read the first time and passed to a second reading on to-morrow.

The House then proceeded to the

#### ORDERS OF THE DAY.

No. 43—An Engrossed bill to amend an act defining and regulating privileges, approved February 17th, 1838,

Was read the third time, and on the question, shall the bill pass? was lost.

No. 69—An Engrossed bill to incorporate the Laughery Bridge Company,

Was read the third time and passed.

No. 96—A bill to vacate a part of the town of Bowlinggreen in Clay county,

Was read the third time and passed.

No. 122—A joint resolution relative to the election of President and Vice President of the United States,

Was read the third time and passed.

Mr. Champer, upon leave being granted, introduced the following resolution,

*Resolved*, That the Horticultural Society of the State of Indiana have the use of the Hall of the House of Representatives on Wednesday next, afternoon, for the purpose of a lecture on that subject, and also the use of one of the committee rooms for the exhibition of specimens of fruits, &c., which shall be designated to the society by the door-keeper of this House.

Which was adopted.

## BILLS ON THE SECOND READING.

No. 78—A bill providing for the payment of the bank debt.

Was read the second time and referred to the committee of the whole, and made the order of the day for Tuesday next.

No. 97—A bill to incorporate the Maumee and Wabash Canal Company,

Was read the second time and referred to the committee on corporations.

No. 98—A bill regulating the taking up of animals going astray, and water crafts and other articles of value adrift,

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

No. 102—An act to amend an act entitled "an act for the prevention of frauds and perjuries,"

Was read the second time, when,

Mr. Clark of T. moved its indefinite postponement,

And the ayes and noes being called for by Messrs. Champer and Blair,

*Those who voted in the affirmative were*

Messrs. Atherton, Blankenship, Bowles, Burton, Butler of C., Butler of V., Byers, Carr, Champer, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Coleman, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Henley, Houghton, Howe, Kerr, Lancaster, McCoy, McCrillis, McCully, Miller, Montgomery of Warren, Morgan, Newell of F., Newell of W., Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rose, Rulon, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Stanford, Sweetser of G., Sweetser of M., Walpole, Wilson, Woodard and Mr. Speaker—65.

*Those who voted in the negative were*

Messrs. Ball, Blair, Bowers, Brenton, Brown, Burgess, Casey, Chiles, Cole, Conner, Jenckes, Jones, Kile, Leslie, Lucas, Mason, Montgomery of G., North, Robinson, Ross, Runyan, Russell, and Sloan.—23.

So said bill was indefinitely postponed.

No. 103—A bill to provide for the revision of the laws,

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

No. 104—A bill to authorize Thomas S. Hinde to establish a ferry therein named,

Was read the second time, when,

On motion of Mr. Sweetser of M.,

The following proviso was added to the first section,

"Provided the rights of third persons are not prejudiced."

When, the bill and amendment were ordered to be engrossed for a third reading on to-morrow.

No. 105—A bill to amend an act entitled “an act relative to roads in Parke county, approved February 18, 1839.”

Was read the third time and ordered to be engrossed for a third reading on to-morrow.

No. 106—An act to authorize Probate Judges to issue writs of *Habeas Corpus*, and proceed to trial thereon,

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

No. 107, a bill to amend an act, entitled “an act authorizing the appointment of Pilots at the falls of Ohio,” approved February 7, 1825;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

No. 33, an engrossed bill of the Senate, to enforce the payment of tolls on the public works;

Was read the second time, and ordered to a third reading on to-morrow.

No. 108, a bill for the relief of debtors to the state;

Was read the second time, and referred to the judiciary committee.

No. 109, a bill to authorize the destruction of treasury notes redeemed;

Was read the second time, and laid upon the table.

No. 110, a bill to amend an act organizing the supreme court, and defining its powers and duties, approved February 17, 1838;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

No. 3, a bill of the Senate, to equalize the judicial circuits in the state of Indiana, and for other purposes;

Was read the second time;

On motion of Mr. Brenton,

The bill was committed to the committee, which had been appointed to equalize the judicial circuits in this state; when

Mr. Clark of T. moved to instruct the committee, to amend the bill by striking out the section providing for a new judicial circuit,

And the ayes and noes being demanded thereon by Messrs. Saylor and Brenton.

*Those who voted in the affirmative were,*

Messrs. Ball, Blair, Blankenship, Bowers, Bowles, Brenton, Burgess, Burton, Butler of C. Byers, Carr, Chrisman, Clark of F. Clark of T. Cole, Coleman, Conwell, Defress, Dunbar, Durbin, Elkins, Farrington, Graham, Hamer, Harding, Harrah, Henley, Houghton, Kerr, M'Crillis, Miller, Montgomery of W. Morgan, Newell of W. North, Rawlings, Read, Ritchey, Rippey, Rose, Ross, Russell, Schoonover, Shanks, Shawhan, Shortridge, Sloan Stanford and Sweetser of G.—48.



*Those who voted in the negative were,*

Messrs. Atherton, Brown, Casey, Champer, Chiles, Clark of D. Coffeen, Conner, Dowling, Dunn, Foote, Freeman, Goodenow, Harrison, Howe, Jenckes, Kile, Lancaster, Leslie, Mason, M'Cully, Montgomery of G. Newell of F. Quick, Rayburn, Robbins, Robinson, Rulon, Runyan, Saylor, Sweetser of M. Walpole, Wilson, Woodard and Mr. Speaker—36.

So said instructions were adopted.

No. 12, an engrossed bill of the Senate, to repeal certain acts therein named, so far as relates to the county of Carroll;

Was read the second time, and

On motion of M'Cully,

Was amended by adding the following sections to the bill:

Sec. 2d. That all moneys remaining in the hands of any township treasurer in said county, which may have been collected as tax under the law which is hereby repealed, shall be paid over to the county treasurer in said county, to be appropriated by the board doing county business, for the use of the township from which the same may have been collected.

Sec. 3d. That the clerks of the several townships in said county, shall hand over to the clerk of the board doing county business, on or before the first Monday in May, 1841. all books and papers belonging to their office, to be kept for the use of the board doing county business.

The bill and amendments were then ordered to be engrossed for a third reading on to-morrow.

No. 37, an engrossed bill of the Senate, entitled "an act to amend an an act entitled an act subjecting real and personal estate to execution," approved February, 4, 1831;

Was read the second time, and ordered to a third reading on to-morrow.

No. 111, a bill to change the state road from Laurel to Brookville in Franklin county;

Was read the second time, and referred to the committee on roads.

No. 112, a bill to charter the Terre-Haute Cavalry company;

Was read the second time, and referred to the committee on roads.

No. 113, a bill for the relief of the late collectors for the county of Harrison;

Was read the second time, when

Mr. Bowles moved to insert after the word Harrison, "Orange," and

Mr. Conner moved to insert after the word Orange, "Perry;,"

Which were carried,

And the bill as amended, was ordered to be engrossed for a third reading on to-morrow.

No. 114, an act to authorize William L. M'Kinney, a minor, to sell certain real estate therein named;

Was read the second time, and referred to the judiciary committee.

No. 115, a bill to amend the act incorporating the town of Columbus,

in Bartholomew county, approved February 6, 1839;

Was read the second time, and referred to the committee on corporations.

No. 116, a bill to extend to the settlers on the Wabash and Erie canal lands, the benefit of an act for the relief of settlers on the Wabash and Erie canal lands, approved Feb. 24, 1840;

Was read the second time, and referred to the committee on Canals and Internal Improvements.

No. 40, an engrossed bill of the Senate, to incorporate the Princeton Musical Institute;

Was read the second time, and referred to the committee on corporations.

No. 117, a bill to confirm to Nathaniel West, a certain lease of water power therein named;

Was read the second time, when

Mr. Conwell moved to commit to a select committee, which motion was lost.

Mr. Clark of T. moved to refer to a select committee, with instructions to insert at the proper place, "at the upper basin,"

And the bill as amended, was ordered to be engrossed for a third reading.

Mr. Butler of C. made the following reports:

MR. SPEAKER:

The joint committee on enrolled bills, report that they have compared the enrolled with the engrossed bills of the following titles, which originated in the House of Representatives, and find the same duly enrolled, to-wit:

No. 71, a joint resolution for the relief of David Rowles.

No. 12, an act for the relief of the heirs of John Burk.

No. 63, an act to authorize the commissioners of Dubois county, to levy a tax advalorem, for certain purposes therein named.

No. 66, an act for the relief of the trustees, of the Methodist Episcopal Church, in the town of Columbus, in Bartholomew county.

No. 81, an act to revive the President and Trustees, of the Dubois county Library.

No. 55, an act for the relief of John W. Cunningham, late collector of Putnam county.

Also No. 19, (of the Senate,) an act to amend an act to provide for the opening and repairing public roads and highways in the county of Gibson, approved Feb. 17, 1838.

MR. SPEAKER;

The joint committee on enrolled bills, report that they did this day present to His Excellency the Governor, for his approval and signature the following entitled acts, which originated in the Senate, to-wit:

No. 26, an act for the relief of William H. Evans.

No. 30, an act to amend an act entitled an act, regulating grist mills and millers, approved Feb. 10, 1831.

On motion of Mr. *Walpole*,

The committee of the whole were discharged from the further consideration of the United States Bank resolution, when

Mr. *Henley*, moved to postpone the further consideration thereof until the first Monday of August next.

And before any decision was had thereon,

On motion of Mr. *Clark* of *T.* said resolution was laid upon the table.

And on motion, the House adjourned until to-morrow morning 9 o'clock.

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TUESDAY, JAN. 5, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. *Maguire* their Secretary.

MR. SPEAKER;

The Senate has passed engrossed bills thereof entitled:

No. 29, to establish a Ferry therein named.

No. 44, to amend an act, entitled an act to provide for Public Printing, and for the distribution of the Laws and Journals, approved Feb. 16, 1839.

In which the concurrence of the House of Representatives is requested.

Bills No. 29 and 44 named in the message, were read the first time, and passed to a second on to-morrow.

The following message was also received from the Senate by Mr. *Maguire* their Secretary.

MR. SPEAKER;

The Senate has passed without amendment, an engrossed bill of the House of Representatives, for the relief of *Mentor S. Johnson*, collector of *Clay* county.

Mr. *Smith* of *Fayette*, presented the petition of sundry citizens of *Connersville*, desiring a special act of incorporation;

Which was read, and referred to a select committee of Messrs. *Smith* of *F.* *Mason* and *Jones*.

Mr. Jones presented the petition of sundry citizens of Spencer county, asking to have the provisions of an act for the draining swamps, &c. in the counties of Tippecanoe, Montgomery, Clinton and Warren, extended to the county of Spencer;

Which was read and referred to a select committee of Messrs. Jones, Chiles and Shawhan.

Mr. Walpole presented the petition of sundry citizens of Hancock county, relative to the extension of a State road;

Which was referred to a select committee of Messrs. Walpole, Peck, and Kile.

Mr. Runyan presented the remonstrance of H. P. Steel and others, against attaching part of Marshall to Fulton county;

Which was referred to the same select committee to which the petition on that subject had been referred.

Mr. Peck presented the petition of Elvira Garner, asking an act to authorize the Administrator of the estate of her deceased husband to pay over a certain sum of money;

Which was referred to a select committee of Messrs. Peck, Ross, and Rulon.

Mr. Jenckes, Chairman of the committee of Ways and Means, made the following report:

MR. SPEAKER:

The committee on Ways and Means to whom was referred a resolution of the *House*, instructing the committee to inquire into the expediency of receiving five and fifty dollar Treasury notes in payment of canal lands, have had that resolution under their consideration, and have instructed me to report the following bill:

No. 136. to make Treasury notes receivable in payment of canal lands;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Jenckes also made the following report:

MR. SPEAKER:

The committee on Ways and Means to whom was referred a report of the Auditor, containing a list of balances against collectors since the adoption of the present mode of levying and collecting the taxes, have had that report under consideration and instructed me to offer the following bill:

No 137, to provide for the assessment and collection of State revenue in the county of Spencer, due for the year 1837, and also to provide for the assessment and collection of the State revenue, in the county of Cass, due for the year 1839;

Which was read and passed to a second reading on to-morrow.

Mr. Howe made the following report from the Judiciary committee:

MR. SPEAKER:

The committee on the Judiciary to which was referred bill No. 72, of the House, entitled "an act to authorize the State of Michigan to make certain improvements on the St. Joseph river, and for other purposes," have had the same under consideration and instructed me to report the same back to the House, and recommend its passage, with the following amendment, viz:

After the word "private," in the second section, insert the words, "or corporate;"

Which amendment to the bill was concurred in, and the bill therein named ordered to be engrossed for a third reading on to-morrow.

Mr. Rulon made the following report:

MR. SPEAKER—

The committee on the Judiciary to whom was referred a resolution instructing them "to inquire into the expediency of so amending the law of this State relating to paupers, that if any person shall hereafter bring into, or harbor any pauper in any county in this State, until such pauper shall have gained a residence, the person so offending shall be subjected to some adequate punishment," have had the same under consideration and have instructed me to report that they consider it inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

Which was concurred in and the committee discharged accordingly.

Mr. Sweetser, Chairman of the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred the petition of Elizabeth King, have had the same under consideration, and directed me to report the following bill:

No. 138, for the relief of Elizabeth King;

Which was read the first time and passed to a second reading.

Mr. Butler of C., made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report, that they did this day present to His Excellency the Governor, for approval and signature, the following entitled acts and joint resolution:

No. 71, a joint resolution for the relief of David Rowles.

No. 12, an act for the relief of the heirs of John Burk.

No. 63, an act to authorize the commissioners of Dubois county to levy a tax *ad valorem*, for certain purposes therein named.

No. 66, an act for the relief of the trustees of the Methodist Episcopal church in the town of Columbus, in Bartholomew county.

No. 81, an act to revive the president and trustees of the Dubois county library.

No. 55, an act for the relief of John W. Cunningham, late collector of Putnam county.

Also, No. 19, of the Senate, an act to amend an act to provide for the opening and repairing public roads and highways in the county of Gibson, approved February 17th, 1838.

Mr. Shanks made the following report:

**MR. SPEAKER:**

The committee on Engrossed Bills have compared the engrossed with the original bills, as follows:

No. 98, regulating the taking up of animals going astray, and water crafts and other articles of value adrift;

No. 99, to prevent speculation by collectors in Treasury notes and other moneys;

No. 103, to provide for the revision of the laws;

No. 104, to authorize Thomas S. Hinde to establish a ferry therein named;

No. 105, to amend an act entitled an act relative to roads in Parke county, approved February 18, 1839;

No. 106, to authorize probate judges to issue writs of Habeas Corpus, and proceed to trial thereon;

No. 110, to amend an act organizing the supreme court and defining its powers and duties, approved Feb. 17, 1838;

No. 113, for the relief of the late collector of the county of Harrison, and for other purposes;

No. 117, to confirm to Nathaniel West a certain lease of water power therein named;

No. 107, to amend an act entitled an act authorizing the appointment of Pilots at the Falls of Ohio, approved February 7th, 1825.

And find the same correctly engrossed.

Mr. Smith of Fayette, from the committee on Canals and Internal Improvements, made the following report:

**MR. SPEAKER;**

The committee on Canals and Internal Improvements to whom was referred the petition of Thomas Murphy, have had the subject embraced in said petition under consideration, and have directed me to report, that in their opinion, the said petitioner has no just claim to the relief prayed for, wherefore they ask to be discharged from the further consideration of the subject.

Which was concurred in and the committee discharged.

Mr. Sweetser of M., from the Judiciary committee, made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred a resolution relative to the deficit of revenue in the counties of Cass and Spencer, have directed me to report that the same subject has been referred to the committee of Ways and Means, and a bill by said committee reported, and that further action by the Judiciary committee is unnecessary, and pray to be discharged from the further consideration thereof.

Which was concurred in and the committee discharged.

The following message was received from His Excellency the Governor, by Mr. Moore, his Private Secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has on this day approved and signed bills entitled acts as follows, to wit:

An act to revive the president and trustees of the Dubois county library;

An act for the relief of the trustees of the Methodist Episcopal church in the town of Columbus, in Bartholomew county;

An act to authorize the commissioners of Dubois county to levy a tax *ad valorem*, for certain purposes therein named;

An act for the relief of John W. Cunningham, late collector of Putnam county;

An act for the relief of the heirs of John Buck;

And also a joint resolution entitled:

A joint resolution for the relief of David Rowles.

All of which originated in the House of Representatives.

Mr. Butler of Cass made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report, that they have compared the enrolled with the engrossed bill of the House, of the following title, and find the same duly enrolled, to wit:

No. 2, an act to regulate the practice in suits at law.

Mr. Stanford from the apportionment committee made the following report.

MR. SPEAKER,

The select committee to whom the bill of the Senate, No. 45, was referred, entitled a bill for the apportionment of Senators and Representatives, in the General Assembly of the State of Indiana, have con-

sidered the same and have made sundry amendments thereto, which they have directed me to report to this house, and ask its concurrence therein.

The amendments of the committee were then severally read, and the 1st, 2d, 3d, 4th, and 5th amendments were concurred in.

The question was then put on concurring in the 6th amendment, which was, to strike out, in the 3d line of the 2d section, the word "Adams" and insert "Blackford"

And the ayes and noes being demanded by Messrs. Rulon and Rippey;

*Those who voted in the affirmative were*

Messrs. Atherton, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Champer, Chiles, Clark of Dearborn, Clark of Fountain, Coffeen, Ccle, Coleman, Conner, Conwell, Defrees, Dowling, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Leslie, McCrillis, Miller, Montgomery of G., Montgomery of W., Morgan, North, Peck, Quick, Rawlings, Robbins, Robinson, Rose, Ross, Runyan, Russell, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Stanford, Strattan, Sweetser of Grant, Terrell, Wilson, Woodard and Mr. Speaker—66.

*Those who voted in the negative were*

Messrs. Bowles, Burton, Byers, Carr, Casey, Chrisman, Dunbar, Henley, Lucas, McCoy, McCully, Newell of Fountain, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, and Walpole—19.

So the 6th amendment of the committee was concurred in.

The 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th and 15th amendments were severally read and concurred in.

The question then being put on concurring in the 16th amendment, which was as follows:

"Add to the 12th section of the bill the following: The county of Vigo shall elect one additional Representative in the years 1841, 1842, 1843 and 1844; and the county of Sullivan shall elect one additional Representative in the year 1845."

Mr. Dowling moved to amend, as follows:

"To take from Vigo, one representative in 1841, and authorize Sullivan to elect two representatives in 1841 and 1845, and Vigo three for the years 1842, 1843 and 1844.

Which was adopted.

And the question recurring on concurring in the 16th amendment, Mr. Burton moved an amendment as follows:

"Strike out "1843" where it relates to Vigo, and insert "that in 1843, Clay county shall have an additional representative.

Which was not adopted.



The amendment of the committee, as amended, was then concurred in.

Mr. Montgomery of Gibson then moved to reconsider the vote on concurring in the 12th amendment of the committee, which amendment was as follows:

"In the 9th line of the 8th section, strike out all after the word '1845,' allowing Gibson county an additional representative."

Which motion did not prevail, and the vote was not reconsidered.

The question then recurring on the engrossment of the amendments, as concurred in,

Mr. Morgan moved to amend the bill, by inserting in the 7th line of the 8th section, after the words "1842" "and 1844" and strike out of 9th line "1844", thus giving Rush, and taking away from Jefferson, an additional Representative in 1844:

Which amendment was not adopted.

Mr. McCoy moved to amend as follows:

So that Shelby, Madison and Hancock shall have a representative each, and a float; Shelby having the float in 1842 and 1844, and Madison and Hancock the float between them in 1841, 1843 and 1845,

And the ayes and noes being demanded by Messrs. McCoy and Newell of Fountain,

*Those who voted in the affirmative were*

Messrs. Blankenship, Bowles, Burton, Byers, Carr, Casey Chrisman, Clark of F., Conwell, Dunbar, Goodenow, Lucas, McCoy, McCulley, Montgomery of G., Morgan, Newell of F., Peck, Rawlings, Read, Ritchey, Ross, Rulon, Saylor—24.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of Cass, Chiles, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Defrees, Dowling, Durbin, Elkins, Foote, Freeman, Graham, Hamer, Harrah, Harrison, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, McCrillis, Montgomery of Warren, Newell of White, North, Quick, Rayburn, Rippey, Robbins, Robinson, Rose, Runyan, Russell, Schoonover, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Strattan, Sweetser of Grant, Walpole, Wilson and Mr. Speaker—61.

So said amendment was not adopted.

Mr. Brenton moved to amend as follows:

"Strike out that part which provides that the counties of Madison and Hancock shall have one additional representative, and provide in the proper place in the bill, that the county of Marion shall elect two representatives and the county of Hendricks one, and the said counties

of Marion and Hendricks shall elect one additional representative, commencing with the county of Hendricks."

Which was not adopted.

Mr. Shawhan moved the previous question.

Which was not seconded.

Mr. Byers moved to amend as follows:

"Strike out of the 10th section where the words "1845" occur, in in reference to the county of Lawrence, and insert at the end of said section, after the words "1843" occur, the words "and 1845,"

Mr. Morgan moved "to re-commit the bill to the same committee, with instructions to amend, so as to fix the number of Senators at forty six, and the number of representatives at ninety-two.

Mr. Clark of T. called for a division of the question, being on re-committing,

And the ayes and noes being demanded by Messrs. Morgan and Saylor,

*Those who voted in the affirmative were*

Messrs. Blankenship, Bowles, Brenton, Burgess, Byers, Casey, Champer, Clark of D., Cole, Coleman, Dunn, Farrington, Hamer, Harrison, Lucas, Mason, McCoy, McCully, Montgomery of Gibson, Morgan, Newell of F., Peck, Rose, Ross, Rulon, Sweetser of Marion, and Terrell—27.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Brown, Burton, Butler of C., Butler of V., Carr, Chiles, Chrisman, Clark of F., Clark of T., Coffeen, Conner, Defrees, Dowling, Dunbar, Durbin, Elkins, Farrington, Foote, Goodenow, Graham, Harrah, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Leslie, McCrillis, Miller, Montgomery of Warren, Newell of White, North, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Robinson, Runyan, Russell Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smydth of Daviess, Stanford, Strattan, Sweetser of Grant, Walpole, Wilson, Woodard, and Mr. Speaker.—64.

So the House refused to re-commit the bill.

Mr. Montgomery of G. moved to amend as follows:

"Strike out all the amendments made by this House with regard to the counties of Posey, Gibson, Pike and Dubois, and let the bill stand with regard to these counties as it came from the Senate."

Which amendmnt was not adopted.

Mr. Dunn moved to amend as follows;

"Strike out the bill from the enacting clause, and insert the following: That for and during the next ensuing five years, the existing law regulating the Senatorial districts, and the apportionment of Senators and Representatives in this State, be, and the same is hereby continued and declared to be in full force."

Which amendment was not adopted.

Mr. Sweetser of M. moved to amend as follows:

"Strike out one Representative from Dearborn, and add it to Marion."

Which was not adopted.

Mr. Conwell moved to re-commit the bill with instructions as follows:

"To divide the State into thirty Senatorial, and sixty Representative districts, and report a bill in accordance with said instructions."

Mr. Champer moved to amend the instructions by adding,

"Provided that in no case the committee shall legislate Senators out of office."

Which amendment was adopted.

The question then recurring on the adoption of the instructions, as amended,

It was decided in the negative.

Mr. McCoy moved to recommit the bill with the following instructions:

"To report a bill fixing the ratio of representation at 3000 for Senators and 1500 for representatives, apportioned according to the number of polls in each county, as near as may be."

Before any decision was had thereon,

Mr. Smydth of D. moved the previous question,

Which was seconded by a majority of the House.

The question being, shall the main question be now put?

It was decided in the affirmative.

And thereupon the main question was then put, viz: Shall the bill pass to a third reading,

And the ayes and noes being demanded thereon by Messrs. McCoy and Saylor,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Butler of C., Butler of V., Chiles, Chrisman, Clark of F., Clark of T., Coffeen, Conner, Defrees, Dowling, Dunbar, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Graham, Harrah, Harrison, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, McCrillis, McCully, Miller, Montgomery of W., Newell of W., North, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robinson, Rose, Runyan Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Standford, Stratton, Sweetser of G., Walpole, Wilson, Woodard, and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Brenton, Bowles, Burton, Byers, Carr, Casey, Champer, Clark of D., Cole, Coleman, Conwell, Dunn, Hamer, Lucas, McCoy, Mason, Montgomery of G., Morgan, Newell of F., Peck, Robbins, Ross, Rulon, Smith of F., Sweetser of M., and Terrell,—24.

So said bill passed to a third reading.

Mr. Henley moved that the bill with the amendments be considered as engrossed and read a third time now;

Which motion prevailed.

And the question then recurring on the passage of the bill.

And the ayes and noes being demanded by Messrs. Dunn and Terrell.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Brown, Burgess, Butler of C., Butler of V., Chiles, Chrisman, Clark of T., Coffeen, Conner, Defrees, Dowling, Dunbar, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Graham, Harrah, Harrison, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, McCrillis, McCulley, Miller, Montgomery of W., Newel of W., Quick, Rawlings, Read, Reyburn, Ritchey, Rippey, Robbins, Robinson, Rose, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Stanford, Stratton, Sweetser of G., Walpole, Wilson, Woodard, and Mr. Speaker,—66.

*Those who voted in the negative were,*

Messrs. Blankenship, Bowles, Brenton, Burton, Byers, Carr, Casey, Champer, Clark of F., Clark of D., Cole, Coleman, Conwell, Dunn, Hamer, Lucas, Mason, McCoy, Montgomery of G., Morgan, Newell of E., North, Peck, Ross, Kulon, Smith of F., Sweetser of M., and Terrell,—28.

So said bill passed, and

Ordered that the clerk inform the Senate thereof.

On motion,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Chiles made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of sundry citizens of the town of New Maysville, in Putnam county, have

had said petition under consideration and have directed me to report a bill in accordance with the prayer of the petitioners.

No. 139, a bill authorizing an additional justice of the peace and constable, in Jackson township, in the county of Putnam.

Which was read a first time and passed to second reading.

Mr. Standford made the following report:

Mr. SPEAKER—

The select committee to whom was referred the bill No. 134 of this House, entitled a bill for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana for the ensuing five years, have directed me to report the same back to the House and request that it be laid upon the table.

Which was concurred in and the bill, No. 134, was laid on the table.

On motion of Mr. Conner,

*Resolved*, That the committee on ways and means be instructed to enquire into the expediency of making it the duty of the assessors of the revenue for 1841 to assess all real estate, that was subject to taxation in the year 1840, on which no assessment was made, and no tax paid in said year 1840; and that they report by bill or otherwise.

On motion of Mr. Stratton, the following preamble and resolution were adopted:

Whereas, there is doubt existing with some, as to what extent a justice of the peace is liable under our statute, for the solvency of replevin bail taken by him for stay of execution on judgments entered upon his docket; therefore,

*Resolved*, That the judiciary committee be, and they are hereby directed to enquire how far such justice would be liable for the solvency of such replevin bail, and if upon such enquiry they come to the conclusion that he would be liable to the end of the stay, provided the bail should become insolvent during the time of such stay, that they are hereby directed to prepare a bill to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved Feb. 17, 1838, so as to allow such justice a similar remedy of providing against such bail, as is provided in the 49th section of the above recited act for bail fearing the principal's insolvency in such judgments; or should said committee come to the conclusion that if such replevin bail was good at the time of his being taken as such, and afterwards, before the stay expired, he should become insolvent, that the justice taking him as such, would not be liable; then report accordingly.

On motion of Mr. Dunn,

*Resolved*, That the President of the State Bank be requested to communicate to this House, as soon as practicable, the amount of discounts of the Bank at a uniform period in each month, for the last two years; and also, the amount of capital stock, of a corresponding date.

On motion of Mr. Jenckes,

*Resolved*, That the committee on Education enquire into the expediency of allowing the county examiners of common school teachers a suitable compensation for their services.

On motion of Mr. Ross,

*Resolved*, That the committee of ways and means be instructed to amend the revenue law, so as to reach merchants' capital more effectually; with leave to report by bill or otherwise.

Joint resolutions were then introduced,

By Mr. Bowles, No. 140, relative to pre-emption rights;

“ Coleman, No. 141, relative to a national bank;

Which were severally read a first time, and passed to a second reading.

Bills were then introduced, as follows:

By Mr. Shortridge, No. 142, to amend an act subjecting real and personal estate to execution, approved Feb. 4, 1831;

By Mr. Blair, No. 143, to incorporate the Greensburgh steam-mill and manufacturing company; in Decatur county;

By Mr. Dunn, No. 144, to amend the act subjecting real and personal estate to execution, approved Feb. 4, 1831;

By Mr. Conner, No. 145, to distribute the school funds, and for other purposes, in Perry county;

By Mr. Smith of F., No. 146, concerning petit jurors in certain counties therein named;

By Mr. Conner, No. 147, to repeal the 103d section of an act therein named, as far as relates to Perry county;

Which were severally read a first time and passed to a second reading on to-morrow.

Mr. Brenton moved that the House resolve itself into a committee of the whole on bills of the House, Nos. 78 and 100, and the report of S. Merrill, Esq., President of the State Bank, according to a previous order of the House;

Which motion prevailed, and the House resolved itself into committee of the whole, Mr. Mason in the chair.

And after some time spent therein, the committee rose and the chairman reported that they had made some progress therein, but not having time to go through, have directed me to ask leave to sit again.

Which leave was granted by the House.

And then, on motion, the House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY, JAN. 6, 1841.

The House met pursuant to adjournment.

Mr. Mason moved to suspend the order of business and proceed to the consideration of the orders of the day;

Which was not agreed to.

On motion of Mr. Standford, a report from the Auditor of State, relative to a cheaper and more equitable mode of assessing and collecting the revenue was taken from the table and referred to the committee of ways and means.

Petitions were presented,

By Mr. Terrell of Lewis T. Coppersmith and others relative to an amendment to the charter of the Columbus and Driftwood bridge company;

Which was referred to a select committee of Messrs. Terrell, Woodard, and Butler of V.

By Mr. Rulon, of Sundry citizens of Blackford county praying for the relocation of the county seat of said county.

By Mr. Freeman, of John A. Pegg and others of Green county in relation to executors and administrators;

Which was referred to the judiciary committee.

By Mr. Walpole, of John H. Hopper and others citizens of Hancock county, on the subject of a lottery;

Which was referred to a select committee of Messrs. Walpole, Sloan, and Graham.

By Mr. Miller, of sundry citizens of Floyd county, relative to the county line between Floyd and Clark counties;

Which was referred to a select committee of Messrs. Miller, Coleman, and Blair.

By Mr. Chrisman, of sundry citizens of Boon and Hendricks counties in relation to the appointment of reviewers of a certain state road therein named;

Which was referred to a select committee of Messrs. Chrisman, Brenton, and Houghton.

By Mr. Montgomery of W., of Edward K. Wilson and others in reference to a state road;

Which was referred to the committee on roads.

By Mr. Sweetser of G., of sundry citizens of Grant county asking for an act of incorporation to build a toll bridge;

Which was referred to a select committee of Messrs. Sweetser of G., Rayburn, and Chiles.

By Mr. Rayburn, of sundry citizens of Fulton county asking that a certain state road may be vacated;

Which was referred to the committee on roads.

Mr. Rulon made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred a petition from sundry citizens of Jay county, praying for the passage of a law rendering every person liable for costs, who shall voluntarily go before a grand jury and cause an indictment to be found in case such charges preferred in such indictment are not sustained upon the final hearing of the cause, have had the same under consideration; and have instructed me to report, that they deem it inexpedient to legislate further upon the subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

Mr. Howe made the following report:

MR. SPEAKER—

The committee on the judiciary to which was referred bill No. 25 of the Senate, entitled, "An act to amend an act entitled an act subjecting real and personal estate to execution," have instructed me to report the same back without amendment, and recommend its passage.

Bill No. 25, named in the report, was,

On motion of Mr. Robinson,

Laid on the table.

Mr. Dunbar made the following report:

MR. SPEAKER—

The committee on the affairs of the State Prison, to whom was referred so much of the Governor's message as relates to the State prison, and the (October) report of the Visiter thereto, also, sundry resolutions relative to the appointment of a Chaplain for said institution, and for prohibiting the prisoners from performing manual labor on the Sabbath; and also a memorial from sundry citizens residing in the vicinity of the state prison, remonstrating against the convicts working outside of the prison walls, and praying the Legislature to adopt such measures as will more especially improve the moral discipline of the prison, and bring such habits of reflection and repentance home to the prisoners, as may lead to instances of reformation of offenders which do not now exist; together with a petition or proposition made to the General Assembly, by Messrs. B. Hensley, A. C. Hensley, and Benj. Hensley, jr., have had these various matters under consideration, and beg leave to report;

That after a serious consideration of the whole subject referred to them, they have come to the conclusion, that, owing to the embarrassed situation of the financial concerns of the state, and the necessity there would be for large outlays immediately on its part, to provide the necessary apparatus for employing the convicts, (as we have been informed that the state owns nothing at the institution now, except the



buildings and the convicts) we think it would be impolitic, for the state to take the institution into her own hands, as recommended by his Excellency, the Governor.

The committee have had under consideration the resolution for prohibiting the prisoners from performing manual labor on the Sabbath. From all the information which they have been able to obtain on this subject, from persons who reside in the neighborhood of the state prison, the committee are inclined to think, that, the convicts are not usually compelled to labor several hours on the Sabbath. The prisoners have been heretofore sometimes engaged in the manufacture of brick, and it has happened that when the newly moulded brick were drying in the yard, a shower of rain would occasionally come on, on the Sabbath, when it would be necessary to take in the soft brick in the yard, to prevent them from being destroyed or very much injured. This is all the labor, as we have been informed, which has heretofore been performed on the Sabbath, and does not seem to the committee as *very* objectionable.

The committee have attentively examined and seriously considered upon a proposition made by the Messrs. Hensleys, above referred to, which proposition is in substance as follows, viz:

They, (said Hensleys) offer to take the institution for five years, subject to the laws now in force, or that may hereafter be passed relative to said institution; that they would feed, clothe, and govern the convicts, furnish raw material and tools of every description, necessary for carrying on the business of said institution advantageously. They would also furnish a sufficient number of carts, wagons, oxen, &c. &c. for the use of said institution; and as it would be necessary to work some of the convicts outside of the prison walls until shops could be prepared in the interior, they said Hensleys would furnish a brick yard with all its appurtenances, clay, &c. &c. for making brick. All articles of every description so furnished to the said institution, to be paid for out of the proceeds of sales of articles manufactured in said institution, and to become the joint stock of the state of Indiana, and the said Hensleys. The Messrs. Hensleys have on hand all the necessary material required for erecting shops, which they would build during the ensuing spring and summer, and charge the state for said buildings, whatever a commissioner appointed by the state authorities may estimate them at, to be paid for from the profits accruing to the state during the first year. At the end of each year, the state should be entitled to one half of the net profits of said institution, and the said Hensleys would guaranty that the part coming to the state should not be less than four thousand dollars in any one year; and that the state should not draw more than four thousand dollars in any one year, from said institution—the overplus remaining as capital belonging to the state, to purchase raw material.

The attention of the Messrs. Hensleys would be turned principally to the manufacturing of bagging and rope, coopering, wagon making, and blacksmithing, so soon as shop room, could be made; stone cutting might be carried on to some extent, though not very profitably.

As objections might be raised to the manufacturing of hemp, on account of the combustible nature of the material. Messrs. Hensleys state that as there would be no work done at night, there never could be fire in any of the shops, in which hemp would be manufactured.— In this particular, the cooper's is the most dangerous shop in the prison.

The Messrs. Hensleys have been many years engaged in the manufacturing of hemp, and consider Jeffersonville the most eligible point in the west for that business. By reference to the late reports of the "Agent and Keeper" of the Kentucky Penitentiary, it may be seen, that, that institution has realized large profits, chiefly derived from the manufacturing of bagging and rope. The machinery necessary for carrying on this business could be mostly made in the prison, such as could not be made there would have to be paid for by the institution: and at the end of the term, the whole of the machinery for the manufacturing of hemp, should be the property of the State free of charge.

The Messrs. Hensleys are willing to come under any obligations as to the personal treatment of the convicts that might be prescribed by the Legislature.

The Messrs. Hensleys would employ a physician whose duty it should be to visit the prison at least once per day, and oftener if necessary, inspect cells, clothing, provisions, &c., and report on oath to the Legislature, annually; and they would also employ a competent clerk to be approved of by the Legislature, who should be sworn to keep the books of the institution correctly. These officers to be paid out of the funds of the institution.

The Messrs. Hensleys would enter into bond with satisfactory security, as might be agreed on in detail.

The committee after much reflection upon the subject of confining the convicts within the walls of the prison, and furnishing them with employment—taking into consideration the fact that many of the convicts are persons who have never learned a trade, and are unacquainted with any craft which they could exercise within the walls, in conformity with the provisions of "An act relative to crime and punishment," which provides, that convicts shall be imprisoned in the State Prison at hard labor; and being informed that persons can in a very short time become so well acquainted with some part of the work which is required in the manufacture of bagging and rope, that their labor may become profitable; and believing that this mode of employing the convicts (such of them as have not learned any trade or handicraft) is the most eligible mode in which such convicts could be employed, under present circumstances; the committee think that the interests of the State would be best promoted by acceding to the proposition of the Messrs. Hensleys. The reasons which influenced the committee, and led them to the conclusion at which they have arrived in this particular, are various.

Among these are, *First*, The embarrassed situation of the financial concerns of the State, and the inexpediency in our opinion of making

such large outlays as would be required, if the State took the institution into her own hands.

*Second,* The great difficulty there would be in furnishing employment in any other manner, within the walls, as required by law, and prayed for by a large number of the citizens of Jeffersonville, and the vicinity.

*Third,* The facility with which the laborious part of the employment of manufacturing bagging and rope, can be learned by persons having no previous acquaintance with the business, gives that kind of labor a preference, in our estimation, over almost any other which could be proposed.

*Fourth,* The employment of the prisoners in the manufacture of bagging and rope, would not, in any way, compete with the labor or manufactures of the citizens in the neighborhood of the prison, which is now much complained of; it would also be introducing a new branch of business into our state, for, as far as this committee can learn, that business is not carried on to any extent in Indiana.

*Fifth,* If the State should take the institution into her own hands, and even commence the manufacture of hemp, upon her own account, she would be obliged to employ a suitable person, skilled in the business, to take charge of the operations, at a considerable salary; to purchase the raw material, the machinery, &c. &c.; all of which would be very burthensome to the state at present, and the profits might after all, on this plan be precarious. An officer employed, and paid a certain salary, might not feel so much interest in the profitable prosecution of the business, as one who had a share in the matter, and whose profits in fact depend upon the good or bad success of the undertaking.

If the proposition of the Messrs. Hensleys be acceded to by the Legislature, it will be necessary to erect some additional shops, and enlarge some of the other buildings within the walls, so as to afford the means of employing so large a number within the walls, in so limited a space. It would also be desirable to erect a building near the northern extremity of the area enclosed by the walls; to serve as a chapel on the lower or basement story, and as a hospital above. These buildings would cost something considerable to the State, (say about twenty-five hundred dollars,) but, as we learn, the Messrs. Hensleys have on hand the materials necessary for the erection of these buildings, and are willing to erect them, and take their pay for the same from the four thousand dollars which the State will be entitled to the first year. This arrangement will, in the opinion of the committee, be more advantageous to the State, than if she would undertake the buildings upon her own account.

With regard to the employment of a chaplain for the State Prison, the committee have had the same under consideration. We believe the true object of Penitentiary discipline, is the reformation of the offender, and not his punishment; and to effect this purpose, we are of opinion that religious instruction would be the most powerful engine that could be employed. The committee are therefore of opinion,

that it would be proper to employ a chaplain on the part of the State, to conduct religious exercises in the prison on the Sabbath, and give such other instruction as would be in his power to the convicts, by which means, many of the unfortunate tenants of the prison, might come out from its walls much wiser and better men, than when they entered.

The committee deem it unnecessary in this report, to go more at length into the reasons which induced them to come to the conclusions at which they have arrived; and would respectfully ask leave to report the following bill, to wit:

Bill No. 148, named in the report to amend an act for the regulation of the State Prison, approved February 17th, 1838;

Was read the first and second times, rules being suspended, laid on the table, and 300 copies of the bill and report ordered to be printed.

On motion of Mr. Dunn,

The order of business was suspended, and the House proceeded to the consideration of the orders of the day.

The following bills were severally read the third time and passed:

No. 72, an engrossed bill to authorize the State of Michigan to make certain improvements on the St. Joseph river, and for other purposes.

No. 90, an engrossed bill to amend an act to authorize Daniel J. and Isaac Hancock to build a toll bridge across South Hogan.

No. 12, of the Senate, to repeal certain acts therein named, so far as they relate to the county of Carroll,

No. 24, of the Senate to incorporate the St. Gabriel college.

No. 33, of the Senate, to enforce the payment of tolls on the public works in Indiana; and

No. 37, of the Senate, to amend an act entitled an act subjecting real and personal estate to execution, approved February 4th, 1831.

On motion of Mr. Durbin,

The House re-considered the vote on the passage of bill No. 93, to amend the act entitled, an act to regulate general elections.

Mr. Dunn moved to re-commit the bill with instructions:

“To except from its provisions the counties of those members who wish to be excepted.”

And the ayes and noes being demanded thereon by Messrs. Jones and Saylor,

*Those who voted in the affirmative were,*

Messrs. Atherton, Blankenship, Bowers, Brenton, Burgess, Butler of V., Coleman, Conner, Dunn, Foote, Graham, Hamar, Harrah, Houghton, Howe, Jones, Kerr, Mason, Montgomery of G., Montgomery of W., Morgan, Quick, Runyan, Sloan, Sweetser of G., Sweetser of M., and Terrell—27.

*Those who voted in the negative were,*

Messrs. Ball, Blair, Bowles, Bradbury, Brown, Burton, Butler of C., Carr, Casey, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Conwell, Defrees, Dunbar, Elkins, Farrington, Freeman, Goodenow, Harding, Harrison, Henley, Hiatt, Jenckes, Kile, Lancaster, Leslie, Lucas, M'Coy, M'Culley, Miller, Newell of F., Newell of W., North, Peck, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Robinson, Rose, Ross, Rulon, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Smydth of D., Standford, Stratton, Walpole, Welch, Wilson, Woodard, and Mr. Speaker—63.

So the motion to commit did not prevail.

The question then recurring on the passage of the bill;

And the ayes and noes being demanded thereon by Messrs. Butler of V., and Saylor,

*Those who voted in the affirmative were,*

Messrs. Ball, Blair, Bowers, Bowles, Bradbury, Brown, Burton, Butler of Cass, Casey, Clark of D., Clark of F., Clark of T., Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Freeman, Goodenow, Harrison, Henley, Hiatt, Jenckes, Kile, Lucas, Mason, M'Coy, M'Cully, Miller, Newell of F., Newell of W., North, Peck, Rawlings, Read, Rayburn, Ritchey, Rippey, Robinson, Ross, Rulon, Russell, Saylor, Shawhan, Shortridge, Smith of F., Standford, Stratton, Welch, Wilson, and Woodard—55.

*Those who voted in the negative were,*

Messrs. Atherton, Blankenship, Brenton, Burgess, Butler of V., Byers, Carr, Champer, Chiles, Chrisman, Coffeen, Conner, Dunbar, Foote, Graham, Hamer, Harding, Harrah, Houghton, Howe, Jones, Kerr, Lancaster, Leslie, M'Crillis, Montgomery of G., Montgomery of W., Morgan, Quick, Robbins, Rose, Runyan, Schoonover, Sloan, Sweetser of G., Sweetser of M., Terrell, Walpole, and Mr. Speaker—39.

So said bill passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Terrell moved to suspend the further order of business, and take up a message from the Senate.

Mr. Clark of D., moved that the House adjourn;

Which motion did not prevail.

When the House went into consideration of the following message from the Senate:

MR. SPEAKER:

The Senate has concurred in the 1st, 2nd, 6th, 7th, 8th, 9th, 10th, 11th, and 13th amendments made by the House of Representatives, to

bill No. 48 of the Senate, and has disagreed to the 3rd, 4th, 12th, 14th, and 15th. In the 5th amendment of the House, the Senate agrees so far as relates to the counties of Green and Owen, and disagrees to the remainder.

The Senate has passed an engrossed bill thereof entitled:

No. 48, a bill to secure to the owners of land upon which the public works have been suspended, the use of the same.

In which the concurrence of the House of Representatives is requested.

On motion of Mr. Terrell,

The House insists on its 3rd, 4th, and 14th amendments to bill of the Senate No. 45 named in the message.

Ordered, that Messrs. Smydth of D., and Byers, be appointed a committee of free conference.

Ordered that the Senate be informed thereof.

On motion of Mr. M'Crillis,

The House also insists on its 5th, 12th and 15th amendments to bill of the Senate No. 45.

Ordered, that Messrs. M'Crillis and Graham be appointed a committee of free conference.

Ordered, that the Senate be informed thereof.

Bill No. 48, named in the message, was read the first time and passed to a second reading on to-morrow.

Mr. Dowling asked and obtained leave to introduce the following resolution:

*Resolved*, That the use of this Hall be given to the citizens who design celebrating the Anniversary of the Battle of New-Orleans, on the evening of Friday, the 8th inst.

Which was adopted.

Mr. Burton moved to reconsider the vote on giving the use of the Hall of the House of Representatives, this afternoon at 2 o'clock P. M., to the Horticultural Society;

Which motion prevailed; when,

Mr. Burton moved to amend the resolution by striking out "afternoon," and insert "candle light."

Which was disagreed to, and the resolution adopted.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have compared the engrossed with the original bill of the House, of the following title, to wit:

No. 72, to authorize the State of Michigan to make certain improvements on the St. Joseph river, and for other purposes;

And find the same correctly engrossed.

Mr. Butler of C., made the following report:

MR. SPEAKER—

The joint committee on Enrolled Bills report that they have this day

presented to His Excellency the Governor, for his approval and signature, the following entitled act:

No. 2, an act to regulate the practice in suits at law.

On motion,

The House adjourned until to-morrow morning, 9 o'clock.

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THURSDAY JANUARY, 7th, 1841.

The House met pursuant to adjournment.

The Speaker laid before the House a communication from the Auditor of State, relative to the Internal Improvement funds,

Which was read and referred to the committee on the Canal Fund.

The Speaker also laid before the House a communication from Jesse L. Williams, Principal Engineer, in relation to the Cross Cut Canal,

Which was read, laid on the table and 200 copies ordered to be printed.

The following message was received from the Senate, by Mr. Maguire their Secretary.

Mr. SPEAKER—

The Senate has passed, without amendment, bill No. 13 of the House of Representatives, entitled, an act to extend the time of final payment to purchasers of the 16th sections.

Also an Engrossed joint resolution of the Senate, entitled, No. 66; in relation to a national bank;

In which the concurrence of the House of Representatives is requested.

No. 66—A joint resolution named in the message,

Was read the first time and passed to a second reading on to-morrow.

PETITIONS WERE PRESENTED

By Mr. Read of the citizens of Carlisle in Sullivan county, praying for a special act of incorporation,

Which was referred to a select committee of Messrs. Read, Smydth of D. and Farrington,

By Mr. Sweetser of Grant, the petition of sundry citizens of Grant county,

Which was referred to the judiciary committee.

By Mr. Brenton, the remonstrance of James Trotter and others, against the review of a certain state road therein named.

Which was referred to the same select committee to which a petition on that subject had been referred.

By Mr. Elkins, two several petitions of the citizens of the county of Jay, relative to attaching Jay to Randolph county for representative purposes,

Which were laid on the table.

By Mr. Rippey, of sundry citizens of Elkhart county, praying for a premium upon the raising of the mulberry, silk, &c.

Which he moved to refer to a select committee,

Which did not prevail, when,

On motion of Mr. Mason,

Was referred to the committee on Agriculture.

By Mr. Butler of V., of the citizens of Vanderburgh county,

Which was referred to a select committee of Messrs. Butler of V., Jones and Sloan.

By Mr. Blankenship, of sundry citizens of Morgan county, in relation to the militia of said county,

Which was referred to the committee on military affairs, and,

By Mr. Sweetser of G., of sundry citizens of Grant county,

Which was referred to a select committee of Messrs. Sweetser of G., Rayburn and Howe.

On motion of Mr. Stanford,

The previous order of business was suspended and the House proceeded to the consideration of the

#### ORDERS OF THE DAY.

The following bills were read the third time and passed, viz;

No. 94—To regulate the receipts and disbursements of the Internal Improvement Funds.

No. 98—A "bill regulating the taking up of animals going astray and water crafts and other articles of value adrift."

No. 104—A bill to authorize Thomas S. Hinde to establish a ferry therein named.

No. 105—A bill to amend an act "entitled an act relative to roads in Parke county, approved February 18th, 1839."

No. 106—A bill to authorize Probate Judges to issue writs of *Habeas Corpus* and proceed to trial.

Bill No. 99—To prevent speculation by collectors in Treasury Notes,

Was read a third time, when,

Mr. Chiles moved that the bill be laid on the table,

Which motion did not prevail.

The question then recurring on the passage of the bill,

And the ayes and noes being demanded by Messrs. Henley and Brenton,



*Those who voted in the affirmative were*

Messrs. Ball, Blair, Bowers, Bradbury, Brown, Burgess, Butler of V., Clark of T., Cole, Dunn, Elkins, Farrington, Freeman, Graham, Hiatt, Kile, Mason, Montgomery of W., Morgan, North, Peck, Robbins, Robinson, Rose, Ross, Runyan, Russell, Shortridge, Smydth of D., Stanford, Strattan, Sweetser of G., Walpole, and Mr. Speaker,  
—34.

*Those who voted in the negative were*

Messrs. Atherton, Blankenship, Bowles, Brenton, Burton, Butler of C., Byers, Carr, Casey, Chiles, Chrisman, Clark of D., Clark of F., Coffeen, Coleman, Conner, Conwell, Dowling, Dunbar, Durbin, Foote, Goodenow, Hamer, Harding, Harrah, Harrison, Henley, Houghton, Howe, Jenckes, Jones, Kerr, Leslie, Lucas, McCrillis, McCully, Miller, Newell of Fountain, Newell of White, Quick, Rawlings, Read, Rayburn, Rippey, Rulon, Saylor, Schoonover, Shanks, Shawhan, Sloan, Sweetser of M., Terrell, Welch, and Wilson—54.

So said bill did not pass.

Bill No. 103—To provide for the revision of the laws,  
Was read the third time, when,

Mr. Robinson moved to re-commit the bill to the judiciary committee, with instructions to inquire into the expediency of striking out the name of "Gov. Samuel Bigger," and inserting in lieu thereof, "three commissioners."

Mr. Dunbar moved to amend the instructions by adding thereto, "that those commissioners be persons who are unconnected with the Executive or Judicial departments of this state."

Mr. Sweetser of M. moved to amend the amendment by inserting after "judicial" "or legislative,"

Which was adopted.

The question then recurring on Mr. Dunbar's amendment.

It was carried in the affirmative.

Mr. Clark of T. then moved further to amend the instructions by striking out the word "three" and inserting "one" before commissioner.

Which motion prevailed.

The question then recurring on re-committing the bill with the instructions, as amended,

And the ayes and noes being demanded by Messrs. Burton, and Freeman,

*Those who voted in the affirmative were*

Messrs. Blankenship, Brenton, Burton, Byers, Carr, Casey, Chiles, Chrisman, Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Coffeen, Dowling, Dunbar, Durbin, Graham, Harding, Harrison

Henley, Jenckes, Lucas, McCully, Newell of Fountain, Newell of W., Peck, Quick, Read, Rayburn, Ritchey, Rippey, Robinson, Runyan, Saylor, Schoonover, Shanks, Sweetser of G., Sweetser of Marion, Welch.—38.

*Those who voted in the negative were,*

Messrs. Atherton Ball, Blair, Bowers, Bowles, Bradbury, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Cole, Coleman, Conner, Conwell, Defrees, Elkins, Farrington, Foote, Freeman, Goode-now, Hamer, Harrah, Hiatt, Howe, Jones, Kerr, Kile, Lancaster, Leslie, Mason, McCoy, Miller, Montgomery of G., Montgomery of W., Morgan, North, Rawlings, Robbins, Rose, Ross, Russell, Shawhan, Shortridge, Smydth of D., Smith of F., Stanford, Strattan, Terrell, Walpole Wilson, Woodard, and *Mr. Speaker*—52

So the bill with instructions was not recommitted.

Mr. Walpole then moved to re-commit the bill to a select committee with the following instructions;

“To amend said bill by providing for the repeal of all laws of a general nature, now in force, authorizing the judges of the supreme court to revise the laws;” and also to strike out in the bill the words, “His Excellency.”

Mr. Clark of T. moved to lay the bill, with the pending motion on the table;

Which motion did not prevail.

The question then recurring on Mr. Walpole’s instructions, it was carried in the affirmative;

And the bill was re-committed to a select committee consisting of Messrs. Walpole, Mason and Smith of F.

Mr. Terrell moved to reconsider the vote taken this morning on the passage of bill No. 99, to prevent speculation by collectors in treasury notes;

Which motion prevailed, and the vote was re-considered.

Mr. Durbin then moved to re-commit the bill with the following instructions;

“That the collectors be required under suitable penalties, to pay the treasury notes into the State Treasury, at the same rates they may have received them, either by way of exchange, or for taxes;”

Which motion did not prevail.

The question then recurring on the passage of the bill,

And the ayes and noes being demanded by Messrs. Brenton and Newell of F.

*Those who voted in the affirmative were,*

Messrs. Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Butler of C. Butler of V. Clark of F. Clark of T. Coffeen, Cole, Conwell, Defrees, Dunn, Elkins, Farrington, Freeman, Graham, Hamer, Harding, Kile, Lancaster, Mason, Montgomery of G. Morgan,

Newell of W. North, Peck, Quick, Robbins, Robinson, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Smydth of D. Smith of F. Stanford, Stratton, Sweetser of G. Sweetser of M. Terrell, Walpole, Welch, Woodard and Mr. Speaker—50.

*Those who voted in the negative were,*

Messrs. Atherton, Bowles, Brenton, Burton, Byers, Carr, Chiles, Chrisman, Coleman, Conner, Dowling, Dunbar, Durbin, Foote, Goode-  
now, Harrah, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr,  
Leslie, Lucas, M'Coy, M'Crillis, M'Cully, Miller, Newell of F. Raw-  
lings, Read, Rayburn, Ritchey, Rippey, Saylor, Schoonover, Shanks,  
Sloan and Wilson—40.

So said bill passed.

Ordered that the Senate be informed thereof.

Bill No. 107, to amend "an act authorizing the appointment of Pilots  
at the falls of the Ohio," approved Feb. 7, 1825;

Was read the third time, when

Mr. Durbin moved, that it be re-committed to a select committee of  
one member from each county above the falls, with instructions to  
make what amendments, if any, they may beem necessary;

Which motion prevailed,

And the bill was re-committed to a select committee, consisting of  
Messrs. Read, Durbin, Clark of D. Woodard and Bowers.

Bills No. 110, to amend "an act organizing the supreme court, and  
designating its powers and duties," approved Feb. 17, 1838; and

No. 113, for the relief of the late collectors for the county of Har-  
rison; and for other purposes;

Were severally read a third time and passed;

And ordered that the clerk inform the Senate thereof.

No. 117, to confirm to Nathaniel West, a certain lease of water pow-  
er therein named;

Was read a third time, when

Mr. Clark of T. moved that it be referred to a select committee with  
instructions to add to the bill an additional section, as follows:

"In the renewal of such lease, the price of such water power shall  
be estimated at the price for which the state could lease it at the Ba-  
sin near the town of Indianapolis, taking into account, the ability of  
the state to lease the water at two separate falls, and thus to use the  
same water twice, when drawn from the said Basin:"

Which motion prevailed.

And Messrs. Clark of T. Sweetser of M. and Conner were appoint-  
ed said committee.

The Speaker then laid before the House, a communication from Sam-  
uel Merrill Esq. President of the State Bank;

Which was referred to the same committee of the whole, to which  
bills 100 and 78, and a former communication from him, had been re-  
ferred.

On motion,

The House then adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

And proceeded to the consideration of bills on the second reading.

No. 118, a bill to amend an act, entitled "an act to incorporate the town of Indianapolis in the county of Marion," approved Feb. 17th 1837; and

No. 123, to change the name of certain persons therein named, and for other purposes;

Were read the second time, and ordered to be engrossed for a third reading.

No. 119, a bill regulating the salaries of Auditor, Treasurer and Secretary of State;

Was read the second time, when

On motion of Mr. Mason,

Was, together with Nos. 120, 121 and 49, committed to a committee of the whole House, and made the order of the day for Tuesday next.

No. 124, a bill to abolish imprisonment for debt, and to subject choses in action and equitable interests to execution;

Was read the second time, and

On motion of Mr. Chiles,

Was referred to the judiciary committee.

Mr. Defress moved to reconsider the vote taken on the 4th inst.,

On the instructions moved by Mr. Clark of T. to bill of Senate, No.

3;

Which motion prevailed,

And said vote was reconsidered.

The question recurring on committing said bill with instruction:

Mr. Terrell moved a division of the question, (being on committing,)

And the ayes and noes being demanded by Messrs. Clark of T. and Houghton.

*Those who voted in the affirmative were*

Messrs. Ball, Bowers, Bowles, Brenton, Brown, Burgess, Burton, Butler of V., Byers, Carr, Chrisman, Clark of D., Clark of T., Cole, Coleman, Conner, Conwell, Dunn, Dunbar, Harding, Leslie, Mason, McCoy, Miller, Montgomery of Warren, Morgan, Newell of F., Newell of W., North, Peck, Quick, Ritchey, Rippey, Robbins, Rose, Ross, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Stanford, Strattan, Sweetser of G., Sweetser of M., and Terrell.—46.

*Those who voted in the negative were*

Messrs. Atherton, Blair, Bradbury, Butler of C., Casey, Chiles, Clark

of F., Coffeen, Defrees, Dowling, Durbin, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Harrison, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, McCully, Montgomery of G., Rawlings, Read, Rayburn, Robinson, Rulon, Runyan, Russell, Saylor, Smydth of D., Smith of F., Welch, Woodard and Mr. Speaker—42.

So the House decided that said bill should be committed.

Mr. Farrington then moved to amend the instructions, as follows:

Strike them out and insert "to inquire whether an equalization of the counties in the proposed new circuit can be made by attaching them to other circuits, so as to render the formation of a new circuit unnecessary."

Which amendment prevailed.

And the instructions as amended were adopted, and the bill was committed to the select committee appointed to equalize the Judicial circuits in this State,

On motion of Mr. Dunn,

The House then resolved itself into a committee of the whole on the consideration of bills No. 78 and 100 of the House, and two communications of S. Merrill, Esq.

Mr. Read in the chair.

After sometime spent therein, the committee rose and the chairman reported that the committee had made some progress therein but not having time to go through, had directed him to report the same to the House; and ask leave to sit again.

Which leave was granted.

And then the House adjourned until to-morrow morning 9 o'clock.

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## FRIDAY JANUARY 8th, 1841,

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maquire, their Secretary.

MR. SPEAKER—

I have been directed by the Senate to inform the House of Representatives that the Senate insist upon their disagreement to the 3d, 4th, and 14th, and the 5th, 12th and 15th amendments of the House of Representatives to the bill of the Senate.

No. 45—An act for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana.

And have appointed *Messrs.* Clark and Beard of Montgomery a committee of free conference on the said 3d, 4th and 14th amendments, and *Messrs.* Carnan and *Moffatt* a committee of free conference on the said 5th, 12th and 15th amendments, to take into consideration, (with the committees of the House heretofore appointed) the disagreement of the two houses upon the amendments to said bill.

MR. SPEAKER—

The Senate has concurred in the amendments made by the House of Representatives to bill of the Senate No. 12, to repeal certain acts therein named so far as they relate to the county of Carroll.

The Senate has also passed, without amendment, bill No. 77 of the House of Representatives, entitled,

An act to prevent the spreading of the disease commonly called the glanders among horses.

Mr. Graham asked and obtained leave to make the following report:

MR. SPEAKER—

The committee of free conference appointed on the part of the House, to act with a similar committee on the part of the Senate, upon the disagreement of the two Houses to the apportionment bill, have according to order had the same under consideration, and have agreed to report to their respective houses, so to amend the bill of the Senate, that the counties of Gibson, Pike and Dubois shall each elect one Representative; in which the concurrence of the house is requested.

Which was concurred in.

Mr. Brenton moved to suspend the order of business and take up the orders of the day.

Which motion did not prevail.

Mr. Jenckes, chairman of the committee on ways and means made the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred a resolution of the house, directing the committee to inquire into the expediency of providing some effectual means for the custody and cure of such insane persons, by authorizing the appropriation of part of the fund designed for the support of the poor in the several counties, to the building of a State Lunatic Asylum, or by providing for the erection of said Asylum by private donation or otherwise, have had the resolution under their consideration, and directed me to report it back to the house, and request that it be laid on the table.

Which was concurred in.

Mr. Jenckes also made the following report:

MR. SPEAKER;

The committee on ways and means to whom was referred a report of the Treasurer of State, informing the House of a deficit in the treasury to meet the current expenses of the civil list for the present year, in consequence of the revenue of the last year having been received in treasury notes, and recommending that the amount which should be received as interest on canal lands, which will be available during the present session of the General Assembly, when the main disbursements of the year require to be made, be temporarily appropriated by the Legislature, to meet the deficit in the civil list, or if the General Assembly should deem it more advisable to authorize a loan not exceeding \$30,000; have had the subject under consideration, and directed me to report the accompanying bill.

No. 149, to enable the treasury to meet the current demands for the civil list for 1841, growing out of the deficit of 1840;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Rulon made the following report:

MR. SPEAKER;

The committee on the judiciary to whom was referred a petition from Samuel Milroy, Indian Agent, praying for the passage of a law for the relief of the Miami and other Indians; have had the same under consideration, and have instructed me to report the following bill:

No. 150, For the relief of the Miami and other Indians;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Clark of T. chairman of the committee on Education, made the following report:

MR. SPEAKER;

The committee on Education, to whom was referred a petition of sundry citizens of Jefferson county, praying that funds of a certain congressional township in said county, be transferred from the custody of the school commissioners, to the township treasurer, have considered the same, and have directed me to report that in their opinion any legislation upon that subject is inexpedient, and they ask to be discharged from the further consideration thereof:

The committee was discharged accordingly.

Mr. Clark of T. also made the following additional report:

MR. SPEAKER;

The committee on Education, to whom was referred the petition of Jacob Young and others, citizens of Green county, praying that in case of the lands of an individual being divided by a district line, that

the owners of such land be allowed to send to either district school in which his lands may be situate at his option, have considered the subject, and have directed me to report that the object of the law, is to induce the citizens of each district to establish a school therein, and the withdrawal of a portion of the children from one district to another, might defeat a school in the district from which the children may be withdarwn—persons are now authorized by the consent of the district trustees, and of the township trustees, to send from one district to another, and to draw their proportion of school fund: And the township trustees are authorized upon the petition of a majority of the voters of the district, to change the boundaries, or sub-divide it if the convenience of the inhabitants require it, therefore the committee are of opinion that any further legislation is inexpedient, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged accordingly.

Mr. Clark of T. also made the following additional report:

MR. SPEAKER;

The committee on Education, to whom was referred, a bill of the House, No. 56, entitled "a bill to authorize and regulate congressional libraries;" have considered the provisions thereof, and have instructed me to report that in their opinion any further legislation upon the subject of township libraries, is at present unnecessary, and they therefore recommend that the bill be indefinitely postponed.

Which report was concurred in.

Mr. Bowers from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations to which was referred a communication from H. L. Ellsworth to Hon. O. H. Smith, on the subject of the high fees charged in the State of Indiana, for the recording of patents and other title papers to land; have had the same under consideration according to order, and finding it both illegible and unitelligible, have instructed me to report it back to the House, and recommend its reference to the committee on Education, with instructions to decyher its *hieroglyphical* characters, and explain to the House their meaning and intent;

Which was concurred in.

Mr. Farrington made the following report:

MR. SPEAKER:

The committee on the State Bank, to whom was referred the resolution directing an inquiry into the "expediency of reporting a bill, providing that all the funds due or hereafter to become due to the



State, may be discharged in ten equal annual installments, from and after the 1st day of January, 1841, and that as fast as the funds come into the hands of the Treasurer of State, it shall be his duty to increase the Bank Stock of the State in such Branches as directed by law, with a proviso that the interest arising from such Bank stock after paying over the amount of interest to and for the different purposes as now applied by law, (unless necessary to make some other application by law,) the balance of interest to be applied to the payment of the interest on the state debt; have had the same under consideration, and have directed their inquiries to the most authentic sources for information, touching the several funds belonging to the state, presumed to be embraced by the said resolution.

These funds are as follows:

The College Fund, amounting to	-	-	\$59,680
School Fund, (from bank)	-	-	10,750
Saline; " " " "	-	-	32,149
Surplus Revenue, " " " "	-	-	573,503 90
Sinking Fund, not appropriated to Bank Stock,			749,364 30
Amounting to			\$1,325,447 20

The College, School and Saline Funds, are loaned on bonds and mortgages for a period of five years, at nine per cent. per annum, the securities are good, and the proceeds of the funds are pledged to the purposes of Education, and cannot be diverted from that object, by the action of the Legislature alone.

The Sinking Fund is also loaned on bonds and mortgages for periods of five years, at nine per cent. per annum in advance, is deemed secure, and is pledged, first to the payment of the principal and interest of the debt incurred for bank stock, and then to the purposes of Education.

The Surplus Revenue, not already appropriated to bank stock, is loaned in part, on personal security for one year, and a part on bonds and mortgages for three years, payable one third annually, at eight per cent. interest. A considerable portion of this fund is considered, from the best information that can be obtained, as in a hazardous situation, several instances are known to exist where the fund apportioned to some of the counties is almost entirely lost, and others, where partial losses to a considerable amount have been sustained—occasioned by a non compliance on the part of agents with the requisitions of the law.

The committee do not deem it advisable to extend the payments on the loans under these funds, to a period of ten years; nor would they regard it as expedient to change the investment of the College, School, and Saline Funds. The aggregate of these funds amounting to \$102,579, is not so large but that they may be safely and advantageously loaned on real estate, both as to the interest of the state and her citizens.

In relation to the Sinking Fund—such are the exigencies of the state, that if an amendment of the act establishing the state bank could be had, which would fulfill the purposes for which this fund was constitu-

ted, and admit the application of the proceeds for a period of years to the payment of the interest on the Internal Improvement debt—the principal and interest to be repaid to said fund. Your committee would regard it as a salutary measure, the conversion of this fund into bank stock, they would consider as the most productive investment there could be made; and but that a bill for this purpose is now before the House, they should report one. The same considerations as to the advantage that would result to the state by investing this fund in bank stock, applies equally to the Surplus Revenue Fund—with this additional fact to recommend the change—that the principal of this fund, when thus invested, would be secure, whereas—as it is now situated, it will be annually lessening, and ultimately, there are just grounds to apprehend a large portion of it will be lost.

But for the pressing necessities of the state, your committee would not recommend a diversion of the proceeds of these funds to the liquidation of the interest on the state debt—but to alleviate the burden in part, that must be imposed by taxation, to meet the annual liabilities of the state. They deem this disposition of the Sinking Fund, and the temporary application of the Surplus Revenue Fund to this purpose, as expedient, and a majority of the committee direct me to report the accompanying bill:

No. 151—An act giving further time to the borrowers of the Sinking funds, the Surplus Revenue, and for other purposes,

Which was read the first and second times (the rules being suspended) laid on the table and 200 copies of the bill ordered to be printed.

Mr. Dowling made the following report:

Mr. SPEAKER,

The select committee to whom was referred Bill of the House No. 83, entitled, A bill to amend an act entitled, an act to provide for the public printing, and for the distribution of the laws and journals," approved Feb. 16, 1839," have had that subject under consideration, and have directed me to

#### REPORT:

The committee are of opinion that no very considerable reduction can be made from the present prices allowed to the public printers, for reasons which will appear obvious to the House. By the act of 1839, adopted by our immediate predecessors, it will be seen that the prices established are as follows:

For composition, per 1000 ems, plain matter, . . . . .	62½
Figure work, per 1000 ems, . . . . .	93¾
Rule and figure work, per 1000 ems, . . . . .	\$1 25
For press work, per token, common forms, . . . . .	62½
Broadsides, per token, . . . . .	93¾
Folding reports and bills, for one hundred copies on each signature, . . . . .	12½
Stitching reports and bills, per one hundred copies, . . . . .	25

The bill sent to the Senate proposes to reduce these prices much below the rates now paid, and as your committee understand, much below the prices fixed for similar work by the state of Ohio, Kentucky and Illinois. The resolution of 1837, providing for the election of public printer, and regulating the prices fixed for his payment, was an exact copy of the resolution of Congress of 1817, with a deduction of thirty-seven and a-half per cent. from the prices thereof. That resolution passed both Houses of the General Assembly with singular unanimity, and was the first step to place that necessary aid to legislation on the elevated ground which it should occupy. Those individuals who were honored with seats in this or the co-ordinate branch of the legislature, several years preceding the adoption of that joint resolution, will not have failed to discover a great improvement in the execution of the orders of this House, by the public printer. Under the old system of contracts, when the *lowest bidder* was the successful applicant, it but too often fell into the hands of men whose chief object was to make that contract subservient to the cupidity and love of gain, which too frequently interfere with the performance of duty. Taking the work at prices much below the standard of honorable competition, it became necessary, in many cases, to slight the orders of the House, and to place on your tables printed documents which, in themselves, were living libels on the craft. From an inordinate desire to secure the public printing, the rates were, in many cases, so low, that the amount paid per 1000 ems, did not enable the public printers to pay their journeymen more than a tithe of what any other honest mechanic would be willing to receive. This condition of things the legislature should never desire to see re-established, nor should it seek to curtail expenses at the hazard of interfering with one of the most useful, as well as most indispensable branches of the mechanic arts.

Your committee are far from desiring to see the public printer exorbitantly paid. This is not their design. But while we would recommend a reduction of compensation, we would, at the same time, forewarn the House from adopting a system which may bring upon us the inconveniences of the old contract system, or invite a plan of underbidding to the members of both Houses, which, if persisted in, must constantly unsettle the provisions by which the public printing is regulated. The scenes enacted in this House last winter, are too fresh in the minds of members to be forgotten. On the ejection of one set of printers of this House, a third party proposed to take the printing at a greatly reduced price, to which the successful applicant replied, that he also would assent, *provided he could get journeymen to work at prices which would warrant him to undertake the job*. A petition signed by a number of respectable printers, was laid before this House at the same time, setting forth their objections to the proposed reduction, on the ground, no doubt, that they are generally the first sufferers where employing printers take work at less than a fair compensation. The public printing of the House was given to the gentleman whose proposition contained the proviso, but no reduction was made in the prices, as your committee learn from official sources.

If journeymen could not be procured last winter, at a price less than the established rates, (the condition of the public printer's *proviso*.) it is not probable that they can be so obtained now, if the prices allowed by the General Assembly are materially reduced.

Entertaining these opinions, the committee deemed it advisable to seek the views of practical printers, totally unconnected with the existing offices here. These opinions the committee regard as entitled to great weight. The letter (marked A,) is from David V. Culley, Esq., whose connection with the press of Indiana dates back some sixteen or eighteen years. His views are given at length, and will assist the House in forming a correct judgment of the matter. A letter (marked B,) from Moore Galway, Esq., a gentlemen connected with the business for forty years, or upwards, is also submitted; both of which letters the committee deem essential, and ask to have read.

The committee, in conclusion, recommend such a reduction in the prices paid the public printer as will not materially affect the usefulness of that officer, having reference alike to the interest of the State and the just rights of the individual or individuals selected as public printers. They therefore recommend that the bill be amended by striking out from the enacting clause, and inserting the following substitute.

Which was read; when,

Mr. Conwell moved to lay the bill on the table.

Which motion did not prevail.

The question then recurred on concurring in the report of the committee, and the ayes and noes being demanded thereon by Messrs. Butler of V., and Stanford,

*Those who voted in the affirmative were,*

Messrs. Defrees, Doyling, Dunn, Elkins, Farrington, Freeman, Houghton, Howe, Jenckes, Mason, Morgan, Robinson, Shawhan, Smith of F., and Stratton—15.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Brown, Burgess, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Dunbar, Durbin, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Hiatt, Jones, Kerr, Kile, Lancaster, Leslie, Lucas, M'Coy, M'Crillis, M'Cully, Miller, Montgomery of G., Montgomery of W., Newell of F., Newell of W., North, Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shortridge, Sloan, Stanford, Sweetser of G., Sweetser of M., Terrell, Wilson, Woodard and Mr. Speaker—76.

So the House refused to concur in said report.

And then bill No. 83, named in the report, was ordered to be engrossed for a third reading.

Mr. Mason made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 103, of the House, providing for the revision of the laws, have had the same under their consideration and have directed me to report the same back to the House with the following amendment:

Strike it out from the enacting clause and insert the following.

Which was concurred in.

And the question then recurred on the passage of said bill No. 103, and the ayes and noes being demanded thereon by Messrs. Bowles and Burton,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Brown, Butler of C., Butler of V., Champer, Cole, Coleman, Conner, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hiatt, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, M'Crillis, Miller, Montgomery of G., Montgomery of W., Morgan, North, Rawlings, Rayburn, Robbins, Robinson, Rose, Ross, Russell, Shawhan, Sloan, Smydthof D., Smith of F., Stanford, Stratton, Terrell, Welch, Wilson, Woodard, and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Blankenship, Bowles, Brenton, Burgess, Burton, Byers, Carr, Casey, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Conwell, Dunbar, Graham, Hamer, Harding, Harrah, Houghton, Lucas, M'Coy, M'Cully, Newell of F., Newell of W., Peck, Quick, Read, Ritchey, Rippey, Rulon, Runyan, Saylor, Schoonover, Shanks, Shortridge, Sweetser of G., and Sweetser of M.—38.

So said bill passed.

Ordered, that the Senate be informed thereof.

Mr. Shanks made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of Cinderella Hooker, have had that subject under consideration, and directed me to report a bill,

No. 152—For the relief of Cinderella Hooker.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Peck made the following report:

MR. SPEAKER—

The committee to whom was referred the petition of Elvira Garner, praying for relief, have had the same under consideration, and instructed me to report the following bill

No. 153—For the relief of Elvira Garner,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Jones made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Thomas P. Britton and others, have had the same under consideration and have directed me to report the accompanying bill,

No. 154—providing for draining the swamps, ponds, marshes, and other low lands within the county of Spencer,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Rulon made the following report:

MR. SPEAKER—

The select committee to whom was referred a petition from sundry citizens of Blackford county, praying for a re-location of the seat of justice in said county have had the same under consideration and have instructed me to report the following bill,

No. 155—For the re-location of the seat of justice in Blackford county,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Butler of V. made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of John S. Jerry and other citizens of Vanderburgh county, praying for an enactment authorizing the guardians of the infant heirs of Joseph McCallister late of said county, to sell and convey certain real estate, have had the same under consideration and have unanimously directed me to report the following bill,

No. 156—Entitled an act for the relief of school district No. 3, in township No. 6, south of range No. 10, west, in Vanderburgh county.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Miller made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Floyd county, asking the county boundary to be more accurately defined, have directed me to report the following bill,

No. 157—To define the boundary line between the counties of Clark and Floyd,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Runyan made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Adam Turner and others of Marshall county, praying that that part of Marshall county which lies South East of the Tippecanoe River, including about eleven sections be attached to the county of Fulton, have had the same under consideration, and instructed me to report that they deem it inexpedient to legislate on the subject, and ask to be discharged from the further consideration of said petition.

Which was concurred in.

Mr. Terrell made the following report:

MR. SPEAKER,

The select committee to whom was referred the petition of L. F. Coppersmith and others, praying sundry alterations in the act to incorporate the Columbus and Driftwood Bridge Company, have had the same under consideration, and have authorized me to report the accompanying bill,

No. 158—Entitled an act to incorporate the Columbus and Driftwood Bridge company, approved Feb. 8th, 1839.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Smydth of D. made the following report:

MR. SPEAKER—

The committee of free conference to whom was referred the matters of difference between the Senate and House of Representatives, in relation to the apportionment of Senators and Representatives between the counties of Bartholomew, Jennings, Monroe, Brown and Lawrence, have so agreed to amend the bill of the Senate, that the counties of Bartholomew and Jennings shall elect one Senator, the counties of Monroe and Brown one Senator, and the county of Lawrence one Senator, and the counties of Bartholomew, Jennings, Lawrence and the counties of Monroe and Brown jointly shall each elect one representative, and the said counties of Monroe and Brown jointly, and the

county of Lawrence shall alternately elect one additional representative, commencing with the county of Lawrence.

Mr. Read from a select committee reported a bill No. 159—To incorporate the town of Carlisle in Sullivan county,

Which was read the first time and passed to a second reading on to-morrow.

On motion of Mr. Burton,

The following preamble and resolution were adopted,

Whereas, The Probate courts in some of the counties in this state have been doing business for years with an adopted seal of letters, having no regular seal of metal, and administrators have under the decrees of said courts, with said adopted seal of letters, sold and conveyed real estate, the title to which is now thought to be defective for the want of the regular seal, and in some cases letters have been revoked by the same court that issued them; for no other reason than the want of a regular metal seal. Therefore,

*Resolved*, That the committee on the judiciary be and they are hereby requested to inquire into and provide by law (if necessary) that the purchaser under such decree of court with such adopted seal, may, on petition to said probate court, have a decree thereof, for the perfection of his title, by a new deed, or have such other relief as may be just and right by said court.

On motion of Mr. Brenton,

*Resolved*, That the judiciary committee be instructed to examine the law regulating interest on money, with a view to ascertain what laws are in force, and what amendments, if any, are necessary, on that subject, and report by bill or otherwise.

Mr. Dunn offered for adoption the following resolution,

*Resolved*, That the committee on elections be instructed to inquire into the necessity of so amending the election law, as to require all foreigners to produce their final certificate of naturalization, or the proof of its loss or destruction, by a disinterested witness, as the only evidence of their eligibility to vote at any general election.

Which was not adopted.

Mr. Robinson offered for adoption the following resolution.

*Resolved*, That this House will (the Senate concurring therein) adjourn on Monday the first day of February next.

Mr. Jenckes moved to amend the resolution by striking out "first" and insert the "eighth."

Mr. Read moved that it be laid on the table,

And the ayes and noes being demanded by Messrs. Robinson and Rippey,

*Those who voted in the affirmative were*

Messrs. Bradbury, Butler of C., Butler of V.; Casey, Chiles, Clark of D., Clark of T., Coleman, Defrees, Dowling, Dunn, Freeman, Graham, Kile, Lancaster, Leslie, Mason, Montgomery of Gibson, Morgan, Newell of White, North, Quick, Read, Rayburn, Robbins, Rose, Run-



yan, Russell Shortridge, Smydth of Daviess, Smith of F., Sweetser of Grant, Terrell, Welch, and Mr. Speaker.—35.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Brenton, Brown, Burgess, Burton, Byers, Carr, Chrisman, Clark of F., Cole, Conner, Conwell, Dunbar, Durbin, Elkins, Farrinton, Foote, Goodenow, Hamer, Harding, Harrah, Henley, Hiatt, Howe, Jenckes, Jones, Kerr, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of Warren, Peck, Rawlings, Ritchey, Rippey, Robinson, Ross, Rulon, Saylor, Schoonover, Shanks, Shawhan, Sloan, Stanford, Stratton, Wilson, Woodard—54.

So the resolution was not laid on the table,

The question then recurred on the amendment offered by Mr. Jenckes,

Which was agreed to, when,

On motion of Mr. Ritchey,

The resolution was laid on the table.

Mr. Shanks made the following report:

MR. SPEAKER—

The committee on engrossed bills have compared the engrossed with the original bills of the House, of the following titles:

No. 118, to amend an act entitled “an act to incorporate the town of Indianapolis, in the county of Marion, approved Feb. 17, 1838;

No. 123, to change the name of certain persons therein named, and for other purposes;

And find the same correctly engrossed.

Mr. Butler of C. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House, of the following titles and find the same duly enrolled, to-wit:

No. 65, an act for the relief of Mentor S. Johnson collector of Clay county.

No. 13, an act to extend the time of final payment to purchasers of the 16th sections.

Also bills of the Senate:

No. 37, an act to amend an act entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1831.

No. 33, an act to enforce the payment of tolls on the public works in Indiana.

No. 24, an act to incorporate Saint Gabriel College.

Mr. Jones moved to take from the table a resolution of Mr. Conwell relative to regulating the interest of money;

Which was not agreed to.

On motion of Mr. Smith of F.,

The previous order of business was suspended and the House went into the consideration of bills on the 2d reading.

The undermentioned bills were severally read the second time and ordered to be engrossed for a third reading on to morrow, viz:

No. 125. To authorize the board doing county business in Spencer county to increase the number of places of holding elections in said county.

No. 126. To amend an act to regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838.

No. 127. To authorize the sale of the asylum for the poor in the county of Harrison.

The following bills were severally read a second time, and committed to the committee on corporations.

No. 128, to incorporate the Euterpean Band of South Bend.

No. 129, an act to incorporate the Bristol Manufacturing company.

No. 130, to extend the benefit of an act, entitled an act to incorporate the Marion Fire Engine Company, approved Jan. 20, 1838.

No. 133, to authorize Wm. Mumford to build a bridge across the Wabash river, in the county of Wabash.

No. 131, for the relief of Edward H. Jacot;

Was read the second time, referred to the committee on canal fund.

No. 132, A bill to abolish capital punishment;

Was read the second time and recommitted to the judiciary committee.

No. 135, to provide for the settlement of disputed claims upon the public works;

Was read the second time, and referred to the committee on canals and internal improvements.

No. 44, of the Senate, to amend an act entitled an act to provide for public printing, and for the distribution of the laws and journals, approved Feb. 16, 1839;

Was read the second time;

When Mr. Bowles moved to amend the same by striking out "three years" and insert one.

Which was not adopted.

When on motion of Mr. Sweetser of M., said bill was laid on the table.

No. 29, to establish a ferry therein named;

Was read the second time and laid on the table.

No. 136, to make treasury notes receivable for canal land;

Was read the second time and referred to the committee on the canal fund.

No. 137, to provide for the assessment and collection of the State

revenue for the county of Spencer, in the year 1837; and also the county of Cass, due for the year 1839;

Which was read the second time and referred to the committee on judiciary.

No. 138, For the relief of Elizabeth King,

Was read the second time, when

On motion of Mr. Butler of V.

The bill was indefinitely postponed.

Mr. Brenton moved to reconsider the vote on bill No. 40, to lessen the per diem allowance of members of the General Assembly, and of other officers of state;

Which had been indefinitely postponed on December 21st.

And the ayes and noes being demanded thereon by Messrs. Burton and Morgan.

*Those who voted in the affirmative were,*

Messrs. Atherton, Blankenship, Bowers, Brenton, Burton, Byers, Carr, Casey, Chrisman, Clark of D. Clark of F. Clark of T. Coffeen, Dowling, Dunn, Durbin, Farrington, Goodenow, Hamer, Harding, Henley, Hiatt, Houghton, Jones, Kerr, Lucas, M'Coy, M'Cully, Montgomery of G. Montgomery of W. Morgan, Newell of W. Peck Quick, Rawlings Read, Ritchey, Rippey, Robbins, Rose, Ross, Schoonover, Shortridge, Stanford, Sweetser of M. Terrell, Welch and Wilson—48.

*Those who voted in the negative were,*

Messrs. Ball, Blair, Bowles, Bradbury, Brown, Burgess, Butler of C. Butler of V. Chiles, Cole, Coleman, Conner, Conwell, Defrees, Dunbar, Foote, Freeman, Graham, Harrah, Harrison, Howe, Jenckes, Kile, Lancaster, Leslie, Mason, Miller, North, Rayburn, Robinson, Rulon, Runyan, Russell, Saylor, Shanks, Shawhan, Sloan, Smydth of D. Smith of F. Stratton, Sweetser, of G. Woodard and Mr. Speaker—43.

So said vote was reconsidered.

When Mr. Smydth of D. withdrew his motion to indefinitely postpone said bill,

Mr. Hamer moved to amend the bill by striking out from the enacting clause, and insert the following bill:

Which was read, when

Mr. Smith of F. offered the following amendment, to the amendment, to amend so as to make the provisions of the act extend to members of the present Assembly;

Mr. Burton moved to commit said bill and amendments to a select committee;

Which motion did not prevail.

Before any decision was had on the amendment of M. Smith of F.

The House adjourned until to-morrow morning 9 o'clock.

SATURDAY, JAN. 9th, 1841.

The House met pursuant to adjournment,

The Speaker laid before the House a communication from the Auditor of State;

Which was read and referred to the committee of ways and means. Mr. Champer, then arose and addressed the chair as follows:

MR. SPEAKER:

I arise to perform a duty at once melancholy and imperative.—One I am sure this House will readily permit, when its members recollect the relation we bear to the subject of that announcement. In the dispensation of Divine Providence, it has pleased Him to remove from amongst us—from our midst—Yes Sir, from this Hall, a face made familiar by his services here. To myself this duty is rendered the more imperative, and comes to me with all the feelings which respect inspires at the loss of a citizen, neighbor and friend. Hugh Barnes, an officer of this House, departed this life, at his lodgings this morning, at half past 6 o'clock, at the age of 69 years, and, as I have reason to believe, at peace with his God, his neighbors, and the world.

Our departed friend was a citizen of Owen county, and had resided in the state of Indiana more than thirty years. He served in the army of Anthony Wayne, and assisted in establishing those institutions under which an Empire of free states now flourish. For more than twenty years past he has resided in the county of Owen, cultivating the soil, which his gallantry assisted in defending. As a man, he was honorable—as a neighbor he was kind—as a patriot he was ardent—indulgent as a parent, and a confiding companion. He leaves the world without an enemy, carrying with him the respect of the hundreds who knew him in the every day walks of life, and of the numerous persons who had the good fortune to make his acquaintance in his various services in public and private life.

With these sentiments Sir, and as a token of the feelings of this House, and as a last tribute to his memory, I offer the following resolutions:

1st. *Resolved*, That the members of this House tender to the family of the deceased, their deep regret on this melancholy occurrence, and offer to them individually and collectively their warmest sympathy.

2nd. *Resolved*, That the members of this House, as a token of regard for the memory of the deceased, will wear the usual badge of mourning for the space of ten days.

3d. *Resolved*, That the members of this House will, at half past 10 o'clock on to-morrow morning, attend the funeral of their deceased friend, from his late lodgings in this place.

4th. *Resolved*, That the Speaker of the House of Representatives be requested to transmit copies of these resolutions to the family of the deceased.

Which resolutions were unanimously adopted.

Ordered that the Senate be informed thereof.

Mr. Brenton presented a communication from A. G. Willard and James M. Ray, in relation the Indiana Horticultural Society:

Which was read and referred to a select committee of Messrs. Brenton, Smith of F. and Howe.

#### PETITIONS WERE THEN PRESENTED

Br Mr. Kile, of the citizens of Vermillion county, in relation to the assessment and collection of the revenue;

Which was referred to the committee of ways and means.

By Mr. Dunn, of the citizens of Dearborn county, asking for the abolishment of imprisonment for debt:

Which was read and referred to the committee on the judiciary.

By Mr. Runyan, of the citizens of Kosciusko county, relative to the election of Prosecuting Attorneys by the People.

Which was read and referred to the committee on elections.

By Mr. Ross, a petition of J. H. Hedrick, Jonathan R. Smith and others;

Which was referred to the committee on the State Bank.

By Mr. Peck, the petition of sundry citizens of Rush county;

Which was referred to a select committee, of Messrs. Peck, Morgan and Ross.

By Mr. Runyan, the petition of sundry citizens of Kosciusko county;

Which was referred to the committee on corporations.

By Mr. M'Crilles, the petition of sundry citizens of Pike county, in relation to the militia;

Which was referred to the committee of Military affairs.

By Mr. Rippey, the petition of sundry citizens of Elkhart and La-grange counties;

Which was referred to the committee on roads.

By Mr. Ritchey, the remonstrance of sundry citizens of Morgan county, in relation to the corporation of Mooresville;

Which was referred to the committee on corporations.

By Mr. Runyan, two petitions, one from the citizens of Kosciusko and Wabash counties; the other of the citizens of Kosciusko county;

Both of which were referred to the committee on roads.

Mr. Jenckes, chairman of the committee of ways and means made the following report:

MR. SPEAKER:

The committee on ways and means, to whom was referred a re-

port of the Auditor of State, accompanied with the following bills to wit:

160—1st. A bill to value the property of this state.

161—2d. A bill prescribing the duties of county Auditor.

162—3d. A bill for the election of county Assessor.

163—4th. A bill prescribing the duties of county Treasurer.

164—5th. A bill pointing out the mode of levying taxes.

165—6th. A bill to tax the individual stock in the several branches of the State Bank of Indiana.

166—7th. A bill levying a tax for State and Internal Improvement purposes—constituting together a new revenue system for the state, have had the same under consideration, and directed me to report it back, and recommend it to the favorable consideration of the House, and request that the House will consent to go into committee of the whole upon the report and accompanying bills at 10 o'clock on Wednesday morning next, and to discharge the committee from the further consideration of the same.

The report was concurred in:

And the committee of ways and means discharged from the further consideration thereof.

Bills No. 160 to 166, inclusive as named in the report were read the first and second times, (the rules being dispensed with,) and committed to the committee of the whole House, and made the order of the day for Wednesday next.

Mr. Sweetser, chairman of the committee on the judiciary, made the following report:

MR. SPEAKER—

The Judiciary Committee to whom was referred a resolution of this House directing them to inquire into and report upon the following resolution, to-wit: "The legal liability of the State of Indiana for the payment of her suspended debt, or liability created by the sale or hypothecation of State bonds, on which nothing has been received, or can be recovered by the State; and whether the Fund Commissioners were vested with power to negotiate the sale of State bonds on "time;" and if, in the opinion of the committee, there be no legal liability on the part of the State, for the payment of the aforesaid bonds; whether on account of the Fund Commissioners having violated the law and transcended their powers of appointment, or in consequence of a failure on the part of the purchasers of the aforesaid bonds to comply with the stipulations of the contract, what course it would be proper for the State to pursue to release her citizens from the payment of said bonds," have had the same under consideration and directed me to make the following report. The resolution contains two propositions which will be considered in the following order:

First. Were the Fund Commissioners vested with power to negotiate the sale of State bonds on "time?"

The sales of State bonds on "time," were made under the 8th section of an act entitled "an act to provide for a general system of Internal Improvements," approved January 27th, 1836, and the first and second sections of an act entitled "an act amendatory of an act entitled an act to provide for

a general system of Internal Improvements, approved January 27th, 1836," (the latter act approved February 6th, 1837.) The section of the first act referred to, is as follows: "The said Canal Fund Commissioners are hereby authorized and required, on behalf of the State, to contract with any individual, company, or corporation, at such times as may be directed by the Board of Internal Improvement, for a loan or loans, from time to time, in all not exceeding the sum of ten millions of dollars, on a credit of twenty-five years: said loan or loans to bear a rate of interest not exceeding five per cent. per annum, and to be negotiated that the same may be drawn and bear interest at any time, as early as practicable when they may be advised by the Board of Internal Improvements that it will be required for the progress of any of the works of Internal Improvements to which the same has been appropriated by this act, and the said Commissioners of the Canal Fund shall issue for such loans transferable certificates of stock in the name of the State, which, when signed by them, *shall be valid*; and to facilitate the purposes herein contemplated, the Commissioners of the Canal Fund shall have power to make such *arrangements relative to obtaining loans, the payment of interest thereon*, the transmission and deposits of money, as they may deem conducive to the interest of the State."

The two sections of the latter act are as follows: "That the Board of Canal Fund Commissioners shall hereafter be designated and known by the name of the "Fund Commissioners of Indiana."

Section 2d. "The said Fund Commissioners in all future loans to be negotiated by them under the act to which this is an amendment, shall be, and they are hereby authorized to issue certificates of stock in the name of the State of Indiana, at a rate of interest not exceeding six per centum per annum, and shall have *power to make such arrangements relative to making loans*, the payment of the interest accruing thereon, the transmission and deposit of money, as they may deem conducive to the interest and welfare of the State."

The State being a sovereignty cannot be sued nor forced to pay her debts to the holders of her State bonds; but she is morally bound to do that which an individual is bound to do both in law and equity. When the State has become involved in pecuniary difficulties, and subject to a heavy loss, from which she is desirous to extricate herself, and the legislature puts a construction upon the laws enacted by itself under which those difficulties have arisen, they require, if possible, an examination as disinterested, as though the judgment affected not herself, but adjusted differences between other contending parties. No proposition is better settled than that the agent cannot exceed the powers granted to him by the principal; but the instrument granting the power shall be construed most strongly against the principal. When the power is specifically defined, but little is or can be left for construction, the extent of the power is easily determined. The same opinion would be formed by every one. But if the power is not specific or definite, if any thing is left to the discretion of the agent, then arises difference of opinion.

In the sections of the acts referred to, and under which large amounts of certificates of stock were issued and sold on "time," are the powers of the Fund Commissioners definite, specific? In the opinion of the committee they are not. Much is left to their discretion. By those acts the Fund Commissioners are authorized to *contract* with any individual, company, or corporation for a loan or loans, from time to time, in all not exceeding ten millions of dollars—and to be negotiated that the same may be drawn and

bear interest at any time. And to facilitate the purposes herein contemplated, the Commissioners of the Canal Fund shall have power to make such *arrangements* relative to *obtaining* loans as they may deem conducive to the interests of the State. In these acts, the powers of the Commissioners are defined and circumscribed only as to the amount to be borrowed, the rate of interest, time of payment, and certificates of stock to be issued. Every thing else in relation to obtaining loans is left discretionary with them. They were authorized to make such *arrangements* relative to obtaining loans as they might deem conducive to the interests of the State. Under this vast but discretionary power they sold to a corporation several millions of certificates of stock in the name of the State of Indiana, made negotiable according to the requirements of law, and delivered them. Said corporation paid between four and five millions to the Commissioners, pursuant to contract.

The proceedings of the Commissioners were from time to time laid before the Legislature and acquiesced in by that body. At length however, the corporation became unable to pay for a large amount of certificates that had previously been sold on time and delivered to them. And because of that failure it is pretended by some, that the State is absolved from redemption of the bonds, the Commissioners having no power to dispose of them on time. The purchasers of the bonds had only to look to the sections of the acts above quoted, to ascertain the powers of the Commissioners.

In the case of Smith against Mosier decided by our Supreme Court, at the November term in the year 1838, the question before the Court was, whether the Pre-emption act of Congress, passed 29th May, 1830, included lands remaining unsold after they had been offered for sale by virtue of a proclamation by the President. The Court uses the following language; "Soon after its passage it received a construction from the Secretary of the Treasury of the United States, which was transmitted through the officers of the General Land Office, to the Receivers and Registers of the several land districts, and by them acted upon." This construction was, that pre-emption rights extended, as well to lands which had been proclaimed for sale previous to the 29th May, 1830, but which remained unsold, as to them which had not been so proclaimed for sale.

This interpretation by a high Federal officer, whose duty it was to execute the law, is certainly entitled to great respect; but had we no light on this subject, but what is derived from that source, respectable as it is, we should hesitate before we adopted the same opinion. We have, however, other guides to a correct conclusion. The framers of the law, themselves, have implicitly declared their intention in passing it, and have thereby sanctioned the construction of the Secretary. Since the passage of the statute, with full knowledge of the sense given to it by that officer, Congress has repeatedly renewed it without any explanation or alteration of its terms. This, we suppose, they would have done had their meaning been mistaken by the functionary on whom the execution of that and the reviving laws, devolved."

The sale by the Fund Commissioners on time was reported by them to three successive Legislatures, and by them acquiesced in. No one in either branch of that body raised an objection either to their power so to do or the expediency of it. Their proceedings were published to the world; and were undoubtedly known to all dealers in stocks, in this country and Europe. It is conceived then, that the Legislature sanctioned the construction given to the laws aforesaid by the Fund Commissioners; if there could be any doubt from the phraseology of the laws themselves. There is nothing in those laws prohibiting the sale of bonds on time. In fact, the Fund Commission-



ers seem by those acts to be vested with unlimited discretion, except as before noticed.

It is conceded, that if any of the bonds remain in the possession of the first purchaser unpaid for, the State is not liable for them, and their transfer may be enjoined by a Court of Equity, nor is she liable for those unpaid for which have been obtained from the first purchaser by fraud, but the burthen of proof would lay upon the State.

The committee are therefore of opinion, that the sale of State bonds on time, heretofore made by the Fund Commissioners, by the phraseology of the laws under which sale was made, and the acquiescence therein by the Legislature, are valid and binding upon the State.

Secondly. If the Fund Commissioners were not authorized to sell bonds on time, is the State bound to redeem those so sold? If the committee have come to a correct conclusion upon the foregoing proposition, the solution of this question would seem unnecessary. But it seems to the committee, that by the terms of the acts aforesaid, the State is bound to redeem the bonds sold on time and unpaid for, which are in the hands of bona fide purchasers for a valuable consideration, although the Commissioners were not vested with power to sell bonds on time. The certificates of stock were by those acts made negotiable, thrown into the money market, and became mercantile paper. The purchaser had only to observe, that they were executed according to law, and obtain them by fair purchase. The law declared that when properly executed by the Fund Commissioners *they should be valid*. The law merchant immediately attached to them, and made the maker, the State of Indiana, responsible. If the Commissioners acted fraudulently, or exceeded their powers, they would be liable on their bonds, which the State was careful to require of them, but the rights of innocent purchasers of mercantile paper, would be protected by any court of justice.

The committee cannot recommend any course for the State to pursue, based upon the hypothesis contained in the resolution, but will take the responsibility of recommending a course to be pursued based upon the hypothesis contained in this report. The State is in great pecuniary embarrassment, but not ruined. Our lands are fertile, our inhabitants industrious and frugal. Our resources are now great, but as yet in a small degree developed. We ought with united effort, to come up to the rescue. The honor of the State must be sustained at all sacrifices, and her plighted faith remain inviolate. We ought to show ourselves the strong man, struggling with adversity, but with continued energy, surmounting every obstacle. With these sentiments animating every bosom, no patriot need despair of the Republic.

P. SWEETSER, *Chairman*.

Mr. Terrell moved that the report be laid on the table, and 1000 copies thereof printed;

Mr. Champer moved 2000,

Mr. Burton moved 100;

The question being put, will the House print 2000 copies,

Was decided in the negative.

And then Mr. Terrell's proposition to lay on the table, and that 1000 copies be printed; was agreed to.

Mr. Clark of T. made the following report:

MR. SPEAKER;

The committee on Education, to whom was referred a resolution of the House instructing them to inquire into the expediency of revising the law regulating common schools; have considered the subject and have directed me to report a bill No. 167, entitled a bill to revise and amend an act incorporating congressional townships, and providing for public schools therein, approved Feb. 17, 1838.

Bill No. 167, named in the report;

Was read the first and second times, (the rules being suspended,) and

On motion of Mr. Smydth of D.

Laid on the table and 200 copies thereof ordered to be printed.

Mr. Lancaster made the following report:

MR. SPEAKER;

The committee on Education, to whom was referred the report of the Treasurer of State, upon a resolution of this House, calling upon that officer for information respecting the condition of that portion of the Surplus Revenue in the hands of county agents; and the names of delinquent agents, with all other matters and things relative thereto; having had the subject embraced in the said report under consideration; they have concluded that an amendment of the surplus revenue law, was necessary to a correction of the evils presented in the annual report of the Treasurer of State; and have therefore directed me to report the following bill, No. 168,

To amend an act approved February 6th, 1837, entitled "an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23d, 1836,

Which was read the first time and passed to a second reading on Monday next.

Mr. Jones made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Thomas Lloyd and others on the subject of legalizing the acts of the school commissioner of the county of Spencer, have had the same under consideration, and have directed me to report the following bill and recommend its passage,

Bill No. 169—Legalizing the acts of William G. Thomas, school commissioner of Spencer county, and for other purposes,

Was read the first time and passed to a second reading on Monday next.

Mr. Butler of C. made the following report:

Mr. SPEAKER—

The select committee to equalize the judicial circuits, to whom was referred bill No. 3, of the Senate, with instructions, have had the same under consideration, and have instructed me to report the same back to the House without amendment.

Mr. Montgomery of Warren moved the following amendment, viz:

Strike out "Boon" in 4th line and insert 'White,' strike out 'White' in 4th line of 2d page; add "Boon" after "Hendricks" to fifth circuit.

Pending which,

Mr. Durbin moved to recommit said bill to a select committee of one member from each judicial circuit, with instructions to strike out the section authorizing the formation of a new circuit, and to report a bill equalizing the existing circuits.

Mr. Bowles moved to amend the instructions as follows:

"Strike out Orange county from the second circuit and add it to the tenth.

Which motion was decided in the negative.

Mr. Smydth of D. moved to amend the instructions by "striking out the county of Brown" from the tenth judicial circuit.

Which was disagreed to.

The question then recurred on committing the bill with the instructions,

And the ayes and noes being demanded thereon by Messrs. Clark of T. and Burton,

*Those who voted in the affirmative were*

Messrs. Ball, Blankenship, Bowers, Bowles, Bradbury, Brenton, Burton, Butler of C., Byers, Carr, Clark of F., Clark of T., Coffeen, Coleman, Conwell, Dunn, Dunbar, Durbin, Hamer, Harrison, Hiatt, Houghton, Kerr, Lucas, McCoy, Miller, Montgomery of W., Morgan, Newell of White, Peck, Quick, Rawlings, Read, Ritchey, Rippey, Rose, Ross, Schoonover, Shanks, Shawhan, Shortridge, Stanford, Strattan, Sweetser of G., Woodard—45.

*Those who voted in the negative were*

Messrs. Blair, Brown, Butler of V., Chiles, Clark of D., Cole, Conner, Defrees, Dowling, Farrington, Foote, Freeman, Graham, Harding, Harrah, Henley, Howe, Jenckes, Jones, Kile, Lancaster, Leslie, Mason, McCully, Montgomery of G., North, Rayburn, Robbins, Rulon, Runyan, Russell, Sloan, Smydth of D., Smith of F., Sweetser of M., Terrell, Wilson and Mr. Speaker.—38.

So said bill was recommitted to a select committee of Messrs. Robinson, Butler of V., Defrees, Sweetser of M., Wilson, Miller, Freeman, Coleman, Smith of F., Elkins and Butler of C.

The following message was received from the Senate by Mr. Ma-  
guire their Secretary.

Mr. SPEAKER,

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the reports of the several joint committees of free conferences on the several matters of disagreement between the two Houses in relation to bill No. 45 of the Senate for the apportionment of Senators and Representatives in the General Assembly of the state of Indiana.

The Speaker laid before the House a report from the Canal Commissioners,

Which was read and ordered to be printed.

On motion of Mr. Mason,

The report of Nathan B. Palmer, Esq., Fund Commissioner, was taken from the table and referred to the committee on the Canal Fund.

Mr. Clark of T. made the following report:

Mr. SPEAKER—

The select committee to whom was referred a bill of the House No. 117, entitled, "A bill to confirm to Nathaniel West a certain lease of water power therein named" have in pursuance of their instructions, made one amendment thereto; in which I am instructed to ask the concurrence of the House.

Which amendment was concurred in.

And the question then recurred on the passage of the bill,

And the ayes and noes being demanded thereon by Messrs. Brenton, and Houghton,

*Those who voted in the affirmative were*

Messrs. Ball, Blankenship, Bowles, Bradbury, Burgess, Burton, Butler of Cass, Butler of Vanderburgh, Byers, Carr, Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conner, Conwell, Dowling, Dunn, Dunbar, Durbin, Farrington, Foote, Freeman, Goodenow, Graham, Harding, Harrison, Henley, Howe, Jenckes, Jones, Kerr, Lancaster, Lucas, Mason, McCoy, McCrillis, McCully, Montgomery of G., Morgan, North, Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Robinson, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Strattan, Sweetser of G., Sweetser of Marion, Welch, Woodard, and Mr. Speaker—72.

*Those who voted in the negative were,*

Messrs. Blair, Bowers, Brenton, Brown, Chiles, Hamer, Harrah, Hiatt, Houghton, Leslie, Montgomery of W., Terrell, and Wilson.  
—13.

So said bill passed.

Ordered that the Senate be informed thereof.  
And then the House adjourned.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

Mr. Champer offered for adoption the following resolution,

*Resolved*, That John Flint of Daviess county, be appointed as the sergeant-at-arms to the House of Representatives during the present session in the place of Hugh Barnes deceased,

Which, On motion of Mr. Burton,

Was laid on the table.

On motion of Mr. Graham,

*Resolved*, That the door-keeper distribute to the Senators fifty copies of the bill of this House (as soon as printed) "to revise and amend an act incorporating Congressional townships, and provide for public schools therein," (approved February 17, 1838.

On motion of Mr. Farrington,

*Resolved*, That the committee on Education be instructed to inquire into the expediency of reporting a bill providing for the withdrawal from the State Bank, the amount standing to the credit of the school fund, being \$7,212,51, and placing the same on interest; also to inquire into the expediency of providing by law, for the appointment of a superintendent of common schools, to be paid out of the interest of the said school fund, which with the above sum amounts to \$17,962 51 with leave to report by bill or otherwise.

Mr. Mason gave notice that he would, on Monday next, move to change the order of business so that only thirty minutes should, each day, be spent in the consideration of resolutions; and that the House will every day at 11 o'clock, A. M. proceed to the consideration of the orders of the day.

Mr. Farrington asked and obtained leave to withdraw the petition of Orson Willard.

Mr. Dunn presented a joint resolution, No. 169, relative to the college fund,

Which was read the first time and passed to a second reading on morrow.

## INTRODUCTION OF BILLS.

No. 170—By Mr. Dowling, declaring a certain name therein a misprint and for other purposes.

No. 171—By Mr. Robinson, a bill to amend an act to create the office of private Secretary to the Governor, approved February 16th, 1838.

No. 172—By Mr. Smydth of D., a bill to incorporate the trustees of the Daviess county Seminary.

No. 173—By Mr. Conner, to amend an act entitled “an act to provide for the distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d June, 1836, approved Feb’y 17, 1838.

No. 174—By Mr. Ball, a bill for the relief of owners of the Indian reservations.

No. 175—By Mr. Hiatt, bill to amend the act regulating the duties of justices of the peace, approved Feb. 17, 1838.

No. 176—By Mr. Henley, to amend “an act for the relief of John Rodolph Fischli” approved Feb. 18, 1839.

All of which were severally read the first time and passed to a second reading on Monday next.

On motion of Mr. Conner,

Bills No. 151, and 168 were taken from the table and committed to the same committee of the whole House to which Bill No. 100 has been committed.

The House then proceeded to the consideration of the

## ORDERS OF THE DAY.

No. 83—A bill to amend “an act to provide for the public printing and for the distribution of the laws and journals,” approved February 16, 1839,

Was read the third time and laid on the table.

No. 118—A bill to amend an act, entitled “an act to incorporate the town of Indianapolis in the county of Marion, approved February 17, 1838.

No. 125—A bill to authorize the board doing county business in the county of Spencer to increase the number of places of holding elections in said county.

No. 126—A bill to amend an act to regulate the jurisdiction and duties of justices of the peace, approved February 17th, 1838.

No. 127—A bill to authorize the sale of the Asylum for the poor in the county of Harrison,

Were severally read the third time and passed.

Ordered that the Senate be informed thereof.

No. 123—An engrossed bill to change the name of certain persons therein named and for other purposes,

Was read the third time and the question being on its passage,

And the ayes and noes being demanded thereon by Messrs. Terrell and Saylor,

*Those who voted in the affirmative were*

Messrs. Ball, Blankenship, Bowles, Brenton, Burton, Byers, Carr, Casey, Champer, Clark of F., Coffeen, Conwell, Dowling, Dunbar, Farrington, Foote, Henley, Howe, Kerr, Lancaster, Lucas, Mason, McCulley, Montgomery of Gibson, Montgomery of Warren, North, Rawlings, Read, Robinson, Rose, Smith of F., Stanford, and Sweetser of Marion.—33

*Those who voted in the negative were*

Messrs. Blair, Bowers, Bradbury, Brown, Burgess, Butler of Cass, Chiles, Clark of D., Clark of T., Cole, Coleman, Conner, Defrees, Dunn, Durbin, Goodenow, Hamer, Harding, Harrah, Hiatt, Jenckes, Jones, Kile, Leslie, McCoy, McCrillis, Miller, Morgan, Newell of W., Peck, Quick, Rayburn, Rippey, Ross, Rulon, Runyan, Russell, Saylor, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Strattan, Sweetser of Grant, Terrell, Welch, Wilson, Woodard and Mr. Speaker—50.  
So said bill was lost.

BILLS ON THE SECOND READING.

On motion of Mr. Stanford,

Bill No. 44, of the Senate, to provide for public printing, and for the distribution of the laws and journals, approved February 16th, 1839, was taken from the table; when,

Mr. Sweetser of M., moved to amend the bill by striking out the first section thereof.

And the ayes and noes being demanded thereon by Messrs. Sweetser of M. and Quick,

*Those who voted in the affirmative were,*

Messrs. Bowles, Burton, Byers, Carr, Casey, Clark of F., Dunbar, Hamar, Harding, Henley, Lucas, M'Coy, M'Culley, Miller, Quick, Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, and Sweetser of M.—23.

*Those who voted in the negative were,*

Messrs. Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of C., Champer, Chiles, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Harrah, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Les-

lie, Mason, M'Crillis, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Peck, Rayburn, Rose, Ross, Runyan, Russell, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Terrell, Welch, Wilson, Woodard, and Mr. Speaker—64.

So the House refused to strike out the first section.

Mr. Dowling moved to amend the bill as follows:

"Sec. 3. The Public printer, elected by virtue of this act, shall not charge for composition more than once, on any document ordered by each House, separately, provided these orders reach him before the forms of such documents are distributed; but, in no case, shall the Public Printer be allowed to charge double composition for printing the Governor's Message and accompanying documents."

Which was agreed to.

Mr. Smydth of D., moved the following amendment.

"Sec. —. That whenever by death, resignation, or other cause, there shall be no Public Printer, the legislature shall proceed to elect one to fill the vacancy, by joint ballot vote: *Provided*, That when the legislature shall not be in session, the printing shall be done as provided by the first section of this act."

Which was also adopted.

Mr. Rippey moved to amend as follows:

Strike out "every three years" and insert "annually;" and strike out "to serve for three years," and insert "to serve one year."

Which did not prevail.

Mr. Henley now laid before the House, the following propositions from Messrs. Bolton and Pattison, to wit:

"The undersigned, if the whole of the printing ordered by the legislature, for the next three years, be given to them, according to the bill before the House, will do the work, and give responsible securities for a faithful performance thereof, at the following prices, to wit:

45 cents for composition, plain matter;

80 cents, rule and figure;

65 cents, figure work;

45 cents per token, press work.

BOLTON & PATTISON.

January 9, 1841.

Mr. Henley moved to re-commit the bill and amendments to a select committee, with instructions to regulate the prices agreeably to the above proposition.

And on the question of committing with said instructions, the ayes and noes being demanded thereon by Messrs. Henley and Ritchey,

*Those who voted in the affirmative were,*

Messrs. Ball, Blankenship, Bowles, Brown, Burgess, Burton, Butler of C., Byers, Carr, Casey, Champer, Chiles, Clark of D., Clark of F.,



Coffeen, Coleman, Conner, Conwell, Dunbar, Foote, Freeman, Goodenow, Hamer, Harding, Harrison, Henley, Jones, Kerr, Leslie, Lucas, M'Coy, M'Culley, Miller, Montgomery of W., North, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shortridge, Sloan, Sweetser of M., Terrell, and Woodard—54.

*Those who voted in the negative were,*

Messrs. Blair, Bowers, Bradbury, Butler of V., Clark of T., Cole, Defrees, Dowling, Elkins, Farrington, Harrah, Hiatt, Houghton, Howe, Jenckes, Kile, Lancaster, Mason, M'Crillis, Montgomery of G., Morgan, Newell of W., Peck, Shawhan, Smydth of D., Smith of F., Stanford, Stratton, Wilson, and Mr. Speaker—30.

So said bill was committed to a select committee of Henley, Brown and Foote.

The House then proceeded to the consideration of the pending question on yesterday, when the House adjourned, being the amendment of Mr. Smith of F., to the amendment of Mr. Hamer, to bill No. 40, to lessen the per diem compensation of members of the General Assembly, and other officers of State.

And the ayes and noes being demanded thereon by Messrs. Clark of T. and Saylor,

*Those who voted in the affirmative were,*

Messrs. Bowers, Brown, Burton, Byers, Casey, Clark of T., Cole, Conner, Defrees, Dowling, Dunn, Farrington, Goodenow, Hamer, Harding, Harrison, Hiatt, Houghton, Howe, Jones, Kerr, Leslie, Lucas, Mason, M'Coy, Montgomery of W., Morgan, Peck, Quick, Rawlings, Read, Rayburn, Rippey, Ross, Runyan, Shanks, Shortridge, Smith of F., Sweetser of M., Terrell, Wilson, Woodard, and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Ball, Blair, Blankenship, Bowles, Bradbury, Butler of Cass, Butler of V., Carr, Champer, Chiles, Clark of D., Clark of F., Coffeen, Coleman, Conwell, Dunbar, Durbin, Elkins, Foote, Freeman, Hannah, Jenckes, Kile, Lancaster, M'Crillis, M'Cally, Miller, Montgomery of G., Newell of W., North, Rose, Rulon, Russell, Saylor, Schoonover, Shawhan, Sloan, Smydth of D., Stanford, Stratton, and Welch—41.

So said amendment was adopted.

Mr. Smydth of D., then moved that the bill and amendments be laid on the table.

And the ayes and noes being ordered by Messrs. Clark of T. and Burton,

*Those who voted in the affirmative were,*

Messrs. Ball, Blair, Bowles, Bradbury, Brown, Burgess, Butler of C., Butler of V., Champer, Clark of D., Clark of F., Coffeen, Cole, Coleman, Defrees, Dunbar, Durbin, Elkins, Farrington, Foote, Freeman, Goode-  
now, Graham, Harrison, Hiatt, Howe, Jenckes, Kile, Lancaster, Leslie,  
Mason, M'Crillis, M'Cully, Miller, Montgomery of G., Rayburn, Rose,  
Rulon, Runyan, Russell, Schoonover, Shanks, Shawhan, Sloan,  
Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Wood-  
ard, and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Blankenship, Burton, Byers, Carr, Casey, Chiles, Clark  
of T., Conner, Conwell, Dowling, Dunn, Hamer, Harding, Henley,  
Houghton, Jones, Kerr, Lucas, M'Coy, Montgomery of W., Morgan,  
Newell of W., North, Peck, Quick, Read, Ritchey, Rippey, Ross,  
Saylor, Shortridge, Sweetser of M., Terrell, Welch, and Wilson  
—36.

So said bill and amendments were laid on the table.

No. 159, a bill to authorize an additional justice of the peace and  
constable in Jackson township, in the county of Putnam;

Was read the second time and ordered to be engrossed for a third  
reading on Monday next.

No. 140, a joint resolution relative to pre-emption rights;

Which was read the second time and committed to the committee  
on Federal Relations.

No. 142, a bill to amend an act subjecting real and personal pro-  
perty to execution, approved Feb. 4, 1831;

Was read the second time, when Mr. Dunn moved to amend as  
follows, viz:

After the words 'real estate,' insert 'and personal property.' Pend-  
ing which,

On motion of Mr. Smith of F.,

The bill and amendment were committed to the Judiciary com-  
mittee.

Mr. Read moved the following instructions to the committee:

"Or any judgment rendered against any Attorney for money col-  
lected by such Attorney."

Which instructions were adopted.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have compared the engrossed  
with the original bills of the House, as follows:

No. 83, to amend an act entitled an act to provide for the public  
printing and for the distribution of the laws and journals, approved  
Feb. 16, 1839;

No. 127, to authorize the sale of the asylum for the poor in the county of Harrison;

No. 126, to amend an act to regulate the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838;

No. 125, to authorize the board doing county business in Spencer county, to increase the number of places of holding elections in said county;

And find the same correctly engrossed.

Mr Butler of Cass, made the following report:

MR. SPEAKER:

The joint committee on Enrolled Bills report that they have this day presented to His Excellency the Governor, for his approval and signature, the following entitled acts, to wit:

No. 65, an act for the relief of Mentor S. Johnson, collector of Clay county;

No. 13, an act to extend the time of final payment to the purchasers of the 16th sections;

No. 37, an act to amend an act entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1831;

No. 33, an act to enforce the payment of tolls on the public works in Indiana;

No. 24, an act to incorporate St. Gabriel college.

The following message was received from the Governor, by Mr. Moore, his Private Secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that on Wednesday last, 6th instant, he approved and signed,

An act to regulate the practice in suits at law;

And that on this day he has approved and signed,

An act to extend the time of final payment to purchasers of the 16th sections;

An act for the relief of Mentor S. Johnson, collector of Clay county;

All of which originated in the House of Representatives.

On motion,

The House adjourned until Monday morning, 9 o'clock.

MONDAY, JAN. 11, 1841.

The House met pursuant to adjournment.

Mr. Read arose and made the following announcement to the House.

Mr. SPEAKER;

It becomes my painful duty to announce to this House, the death of my room mate the Hon. George Boon, the Representative from the county of Sullivan, who departed this life at his boarding house (B. Browns) on Sunday morning the 10th inst., about 3 o'clock,

And after having obtained leave, introduced the following resolution:

*Resolved*, That a committee be appointed to make suitable arrangements for the funeral of the Hon. George Boon, late a member of this House, and to pay appropriate honors to the memory of the deceased, and make arrangements for the same.

Which was unanimously adopted; and

Messrs. Read, Henley and Bowles were appointed said committee;

Who after having retired for a short time, made the following report:

MR. SPEAKER;

The committee to whom was referred the subject of the demise of the Hon. George Boon of Sullivan county, have had that subject under consideration, and beg leave to report:

That Col. George Boon of Sullivan county, departed this life on the morning of the 10th inst., at the house of Bazel Brown in this city. Col. Boon was a native of Kentucky, aged about 57 years, and was one of the Pioneers of Indiana; he took his station within the borders of the state of his adoption in the year 1815, where he has enjoyed the confidence of his fellow citizens to a very high degree. He was chosen Sheriff of the county of Sullivan at an early day, from that station he was called to the counsels of the state, where he has occupied a place for eleven years in the Senate or House of Representatives. He was once elected Elector for President and Vice President of the United States;

As a husband and father, he was kind and affectionate, and ever ready to sustain the objects of his care. As a neighbor he was kind, obliging and ever disposed to relieve the wants of the poor and destitue. As a friend he was firm, unwavering, generous and true, and we do but justice to his name, when we say he was one of the benefactors and defenders of his county; and therefore recommend the adoption of the following resolutions:

1st. *Resolved*, That the members and officers of the House of Representatives, as a mark of respect to the Hon. George Boon, late a member of this body, will wear crape on the left arm during the remainder of the session.

2d. *Resolved*, That arrangements be made at the expense of the state, to convey the body of the deceased to his family residence.

3d. *Resolved*, That as a tribute of respect to the character and virtues of the deceased, the members of this House, the Governor and Officers of State, will form in procession at the capitol this day, at 10 o'clock A. M., and move in that order to Bazel Brown's, and from thence attend the deceased to the limits of the city, and that the Senate be informed of the adoption of these resolutions, and their concurrence respectfully requested.

4th. *Resolved*, That joint participation on the part of the members of the Senate be requested in the procession.

5th. *Resolved*, That the Editors of Indianapolis, be requested to publish the foregoing report and resolutions, and that the Speaker of the House transmit to the family of the deceased a copy of the same.

6th. *Resolved*, That John Flint, as acting Sergeant-at-Arms of this House, be directed to accompany the remains of our deceased friend and fellow member, George Boon of Sullivan, to his late residence, as an additional token of regard for his private virtues and public services, and of deep regret which the representatives of the People feel on this melancholy occasion.

7th. *Resolved* That when this House adjourns; it will adjourn to meet to-morrow morning at 9 o'clock;

Which report was concurred in, and the resolutions unanimously adopted.

The following message was received from the Senate by Mr. Maquire their Secretary.

Mr. SPEAKER;

The Senate has adopted the following resolutions:

*Resolved*, That the Senate reciprocate the resolutions of the House of Representatives, in relation to the loss sustained by that body in the death of the Hon. George Boon.

*Resolved*, That the Senate entertain the highest respect for the memory of the Hon. George Boon, formally a member of this body, and duly appreciate the loss sustained by his family and numerous friends.

*Resolved*, That as a token of respect for the virtues of the deceased, the members of the Senate will wear the usual badge of mourning during the remainder of the session.

*Resolved*, That a copy of these resolutions be transmitted to the family of the deceased.

*Resolved*, That the Senate now adjourn.

On motion,

The House adjourned.

TUESDAY, JAN. 12, 1841.

The House met pursuant to adjournment,

The Speaker laid before the House a communication from the Treasurer of State, in reference to the Lawrenceburgh and Indianapolis Rail Road company;

Which was referred to the judiciary committee.

The Speaker also laid before the House a memorial of sundry citizens Knox county, relative to the practice of medicine;

Which was referred to the committee on Education.

The following message was received from the Senate by Mr. Beard of St. Joseph, a member.

MR. SPEAKER:

The Senate has passed an engrossed bill thereof, No. 59, entitled an act to repeal part of an act, entitled an act relative to the New Albany and Vincennes M'Adamized road, and for the better regulation thereof, and for other purposes, approved Feb. 22, 1840. I am instructed to inform the House of Representatives thereof, and respectfully ask their concurrence therein:

Bill No. 59, named in the message, was read the first time and passed to a second reading on to-morrow.

The following message was received from the Senate, by Mr. Furker a member thereof:

MR. SPEAKER;

I am requested to inform the House of Representatives, that the Senate has passed an engrossed bill thereof entitled:

No. 72, a bill to fix the times of holding the Probate courts in Fayette county;

In which the concurrence of the House of Representatives is respectfully requested.

The bill named in the message, was read the first time, and passed to a second reading on to-morrow.

The following message was also received from the Senate by Mr. Maguire their Secretary.

MR. SPEAKER--

The Senate has passed engrossed bills and an engrossed joint resolution of the House of Representatives, entitled as follows, viz:

No. 1, a joint resolution on the subject of amending the constitution of the United States;

No. 4, an act to repeal an act regulating the jurisdiction of justices of the peace in Jackson county, approved Jan. 25, 1840;

No. 11, an act to amend an act entitled an act to prohibit the amalgamation of whites and blacks, approved Feb. 24, 1840;

No. 51, an act to revive certain acts relative to a stay of execution;

No. 59, an act to incorporate the Madison Law Library Society;

No. 72, an act to authorize the state of Michigan to make certain improvements on the St. Josephs river, and for other purposes;

No. 80, an act to incorporate the Connersville Musical Institute;

No. 105, an act to amend an act entitled an act relative to roads in Parke county, approved Feb. 18, 1839;

Nos. 4, 51, and 80 with amendments in which the concurrence of the House of Representatives is requested, and the rest without amendment.

The Senate has also passed engrossed bills thereof, entitled as follows:

No. 28, to amend an act to incorporate the town of Laporte, approved Feb. 18, 1839;

No. 31; to authorize the Governor of this state to order a special election for Representatives in Congress; and

No. 38, further to regulate the duties of clerks, justices of the peace, and school commissioners;

In which the concurrence of the House of Representatives is respectfully requested.

The amendments made by the Senate to bills No. 4, 51, and 80, were concurred in by the House, and bills Nos. 28, 31, and 38 were read the first time and passed to a second reading on to-morrow.

Leave of absence was granted to Mr. North in consideration of the indisposition of his son.

#### PETITIONS WERE PRESENTED.

By Mr. Runyan of the citizens of the town of Milford, praying for the repeal of a certain act therein named;

Which was referred to a select committee of Messrs. Runyan, Newell of W., and Brown.

By Mr. Blankenship the petition of the citizens of Mooresville;

Which was referred to a select committee of Messrs. Blankenship, Brenton, and Chiles; and

On motion of Mr. Blankenship,

The remonstrance on the same subject was referred to the same select committee.

By Mr. McCully, of the citizens of Carroll county in relation to a state road;

Which was referred to a select committee of Messrs. McCully, Wilson, and Chrisman.

By Mr. Welch, of sundry citizens of Jennings county asking for an extension of time of holding circuit courts in said county;

Which was referred to the committee to equalize the circuits of this state.

By Mr. Sloan, of the citizens of Crawford county relative to the school land;

Which was referred to a select committee of Messrs. Sloan, Jones, and McCrillis.

By Mr. Howe, of the school commissioner of Lagrange county;

Which was referred to the committee on education.

Mr. Jenckes, chairman of the committee of ways and means made the following report:

Mr. SPEAKER—

The committee on ways and means to whom was referred a resolution of the House, instructing the committee to enquire into the amount necessary to be provided for the redemption of the treasury notes outstanding, as also for the payment of contractors that is now unprovided for by law, and report a bill authorizing the sale of State Bonds to meet and liquidate those two items of State indebtedness, have had the subject of that resolution under consideration and instructed me to report the following preamble and bill:

Whereas, The last Legislature passed an act entitled, "An act for the *immediate* relief of contractors and others engaged on the public works," authorizing the issue of one million and five hundred thousand dollars of Treasury Notes, one half, to-wit, \$750,000 of the denomination of \$50, and one half, to-wit, \$750,000 of the denomination of \$5; And whereas, by the act aforesaid, the \$5 notes are made redeemable in one year from the date thereof, and the \$50 notes in two years from the date thereof; both denominations of notes bearing interest at the rate of 6 per cent. per annum till redeemed. And whereas, there has been issued an amount of Treasury Notes of the denomination of \$5, bearing date the 20th day of April, 1840, equal in all to

And there has been redeemed of this denomination of notes and it is estimated, will be redeemed through the Treasury in payment of Revenue for 1840, the sum of	\$641,000
	134,000

Leaving outstanding of the April issue of \$5's,	510,000
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And whereas, the amount of notes of the denomination of \$5, bearing date and issued on the 20th September 1840, is	78,000
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And the amount of this description of notes redeemed and yet to be redeemed in payment of revenue of 1840, is estimated at	8,000
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Leaving of the September issue still in circulation,	70,000
Which added to the April issue makes the sum of	580,000

Of \$5 dollar Treasury Notes to be provided for.



And whereas, the amount of notes of the denomination of \$50 issued and bearing date on the 20th of April 1840, is . . . . .	575,000
And the amount of notes of the same denomination issued and bearing date on the 20th of September 1840, is . . . . .	35,000
Making together of the \$50 notes the sum of . . . . .	610,000

And together with the 5's the sum total of one million, one hundred and ninety thousand dollars of treasury notes yet to be redeemed. And whereas, from information furnished the committee by the chief Engineer, it appears that the sum of ninety thousand dollars is due contractors on the Wabash and Erie Canal, which together with the Treasury Notes, makes the amount to be provided, one million, two hundred and eighty thousand dollars; therefore report the following bill,

No. 178—To provide for the redemption of Treasury Notes now in circulation, and for the payment of contractors on the Wabash and Erie Canal,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Chiles made the following report,

MR. SPEAKER—

The judiciary committee to whom was referred a resolution of the House, "inquiring into the expediency of repealing the laws now in force which exempt one hundred dollars worth of property from execution, and of reviving the previous statute which exempts only fifty dollars worth of property from execution," have had the same under consideration, and have directed me to report that it is inexpedient to legislate upon that subject and ask to be discharged from the further consideration thereof.

Which was concurred in, and the committee was discharged.

Mr. Sweetser, chairman of the judiciary committee made the following report,

MR. SPEAKER—

The committee on the judiciary to whom was referred a bill to provide for the assessment and collection of the State Revenue, for the county of Spencer in the year 1837, and also in the county of Cass due for the year 1839, have had the same under consideration and directed me to report the same with the following amendments:

Strike out the first and third sections from the enacting clause and add the following as two sections to the bill.

Which were read and concurred in, and said bill and amendments were ordered to be engrossed and read a third time to-morrow.

Mr. Sweetser also made the following report,

MR. SPEAKER,

The committee on the judiciary to whom was referred the petition of John A. Pegg and others, citizens of Greene county, in which they state, that, in that county it is considered that the death of a man proves all his accounts without further evidence; and in suits by the administrator of an insolvent estate, no set off is allowed the defendant for claims due him by the decedent, have had the same under consideration, and directed me to report that further legislation on that subject is unnecessary, and pray to be discharged from the further consideration of the subject.

Which was concurred in and the committee discharged from the further consideration of the same.

Mr. Brenton made the following report,

MR. SPEAKER—

The judiciary committee to whom was referred a bill of the House, No, 114, entitled, "an act to authorize William T. McKinny, a minor, to sell certain real estate therein named, have had the same under consideration, and have directed me to report the same back to the House with one amendment, and recommend its passage.

Strike out the words "all that part of" in the 5th and 6th lines.

Which was concurred in, and both it and the bill therein named, were ordered to be engrossed for a third reading on to-morrow.

Mr, Rulon made the following report,

MR. SPEAKER—

The committee on the judiciary to whom was referred a resolution instructing them to examine the law regulating interest on money, with a view to ascertain what laws are in force, and what amendments (if any) are necessary, have had the same under consideration, and have instructed me to report that they consider further legislation on that subject unnecessary, and ask to be discharged from the further consideration thereof.

Which was concurred in and the committee discharged from the further consideration thereof.

Mr. Howe made the following report:

MR. SPEAKER—

The committee on the judiciary to which was referred the petition of Patterson C. Parker and others, on the subject of empanneling grand and petit jurors, have instructed me to ask that they be discharged from the further consideration thereof.

The committee was discharged.

Mr Coleman made the following report,

MR. SPEAKER—

The select committee to whom was referred bill No. 3 of the Senate, entitled a bill to equalize the judicial circuits in the State of Indiana, and for other purposes, with instructions to strike out the section authorising the formation of a new circuit; and to report a bill equalizing the existing circuits, have had the subject matter under consideration, and not being able to agree thereon, have instructed me to report the same back to the House and ask to be discharged from the further consideration thereof.

The committee was discharged; when,

Mr. Stanford moved to recommit the bill to a select committee with the same instructions by which the previous committee had been instructed.

Mr. Brenton moved to amend the instructions as follows,

Add Carroll to the 1st circuit, and the county of Allen to the 10th circuit.

Which was not adopted.

Mr. Bowles moved to add Orange county to the tenth circuit.

Which was not agreed to.

When, the motion of Mr. Stanford prevailed.

And said bill was recommitted to a select committee of Messrs. Stanford, Dunn, Brenton, Read, Burton, Sloan, Clark of F., Sweetser of G., Butler of Cass, Ball, and Byers.

Mr. Graham, from a select committee, made the following report:

MR. SPEAKER,

The select committee to whom was committed a resolution of the House, relative to the mode of doing county business, with instructions to report a bill, have according to order had the same under consideration and report the following bill, No. 79,

Was read the first time and passed to a second reading on to-morrow.

Mr. Morgan made the following report,

MR. SPEAKER:

The select committee to which was referred the petition of John Beauchamp and fourteen others, praying that so much of the county of Carroll, as lies west of the Tippecanoe river, may be attached to the county of White. And the remonstrance of G. C. Saunderson and ninety two others, against attaching any part of Carroll county to the county of White; have had the same under consideration, and a majority of the committee have instructed me to report that it is inexpedient to grant the prayer of the petitioners, and ask to be discharged from the further consideration of the subject;

Which was concurred in, and the committee discharged accordingly.

On motion of Mr. Dunn,

*Resolved*, That the committee of Internal Improvements, be instructed to inquire into the expediency of so amending the seventeenth section of the act providing for a general system of Internal Improvements, approved 27th January, 1836, as to permit those persons, who filed their accounts with the acting commissioner, within the time prescribed by law, for damages or materials, which accounts said commissioner failed to register in a book, as was his duty, to the great injury of the applicant, now to come in and by making proof of the facts receive remuneration, under the provisions of that act, or in some other way, to report by bill or otherwise.

On motion of Mr. Montgomery of G.

*Resolved*, That the committee on Education be instructed to inquire into the expediency of providing by law, that in all cases where the qualified voters of any school district fail or neglect to elect district trustees as provided by law, that it shall be the duty of the school commissioner of the proper county to appoint such trustees.

On motion of Mr. Dunn,

*Resolved*, That the committee on claims, be requested to inquire into the justice of allowing D. S. Majors, the amount of an account herewith presented for his attendance as a witness, before the bank committee summoned to appear on the 13th Jan. 1840, which was omitted in the act of specific appropriations, approved 24th Feb. 1840, where similar allowances were made to others for such services, to report by bill or otherwise.

On motion of Mr. Cole,

*Resolved*, That the committee on Elections be instructed to inquire whether any person holding the office of Post Master at the time of his election as a Representative, is eligible to a seat in this House, under the 20th section of the 3d article of the constitution of this state. And also, whether any such officers compose a part of this House.

On motion of Mr. Smith of F.

The following resolution, offered by Mr. Mason on Saturday last, was taken up and adopted.

*Resolved*, That during the remainder of this session, the time for introducing and considering resolutions, shall be limited to half an hour each day, and that the House will proceed each day at eleven o'clock to take up the orders of the day.

Mr. Sweetser of G. was added to, and made chairman of the committee on claims, in place of Mr. Boon deceased; and Mr. Byers added to the committee on enrolled bills.

#### INTRODUCTION OF JOINT RESOLUTIONS AND BILLS.

Mr. M'Crillis introduced a joint resolution, No. 180, relative to the destruction of the statutes of Dubois county;

Which was read the first time, and passed to a second reading.

The following named bills were introduced, read the first time and passed to a second reading on to-morrow.

By Mr. Cole, No. 182, a bill to confirm to John D. Comegys certain water power therein named.

By Mr. Chrisman, No. 183, a bill to amend an act subjecting real and personal property to execution.

By Mr. Smith of F., No. 184, a bill to amend an act, entitled an act subjecting real and personal estate to execution, Approved February 1831.

Mr. Cole introduced a bill, No. 181, to appropriate certain moneys therein named;

Which was read the first and second times, (the rules being suspended) and ordered to be engrossed for a third reading on to-morrow.

The House then proceeded to the orders of the day; being bills on the third reading.

No. 139, authorizing an additional Justice of the Peace, and Constable in Jackson township, in the county of Putnam;

Was read a third time and passed; and

Ordered that the clerk inform the Senate thereof.

#### BILLS ON THE SECOND READING.

No. 143, to incorporate the Greensburg Steam Mill and Manufacturing company, in Decatur county;

Was read a second time, and referred to the committee on corporations.

No. 144, to amend the act subjecting real and personal property to execution, approved Feb. 4, 1831;

Was read a second time, and referred to the committee on the judiciary.

No. 145, to distribute the school funds, and for other purposes, in Perry county;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 146, concerning petit jurors in certain cases therein named;

Was read a second time, when

On motion of Mr. Ball,

It was referred to a select committee, with instructions to extend the provisions of the bill throughout the state:

Messrs. Conner, Ball and Cole were appointed said committee.

No. 147, to repeal the 103d section of an act therein named, so far as it relates to Perry county;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 66 of the Senate, a joint resolution in relation to a National Bank;

Was read a second time, when

Mr. Coleman moved that it be laid on the table,

And the ayes and noes being demanded by Messrs. Carr and Newell of F.

*Those who voted in the affirmative were,*

Messrs. Bowles, Burton, Byers, Carr, Casey, Chrisman, Clark of F., Clark of T., Coleman, Conwell, Dowling, Dunbar, Graham, Harrison, Henley, Lucas, McCoy, McCully, Miller Newell of F., Rawlings, Read, Ritchey, Rippey, Rose, Rulon, Russell, Saylor, Schoonover, and Shanks—30.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bradberry, Brenton, Brown, Burgess, Butler of C., Butler of V., Champer, Clark of D., Coffeen, Cole, Conner, Defrees, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Harding Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, McCrillis, Montgomery of G., Montgomery of W., Morgan, Newell of W., Peck, Quick, Rayburn, Ross, Runyan, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Sweetser of M., Terrell, Welch, Wilson, and Mr. Speaker—57.

So the joint resolution was not laid on the table.

Mr. Coleman moved that it be re-committed to a select committee; Which motion did not prevail.

Mr. Henley moved that it be committed to a committee of the whole House, and made the order of the day for Saturday next; Which motion did not prevail.

The question then recurring on the passage of the joint resolution to its 3d reading;

And the ayes and noes being demanded by Messrs. Carr and Rippey.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradberry, Brenton, Brown, Burgess, Butler of C., Butler of V., Champer, Chiles, Clark of D., Coffeen, Cole, Conner, Conwell, Defrees, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Kerr, Kile, Lancaster, Leslie, Mason, McCrillis, Montgomery of G., Montgomery of W., Morgan, Peck, Quick, Rawlings, Rayburn, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Terrell, Welch, Wilson, and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Bowles, Burton, Byers, Carr, Casey, Chrisman, Clark of F.

Clark of T., Coleman, Dowling, Dunbar, Graham, Henley, Jones, Lucas, McCoy, McCully, Newell of F., Newell of W., Read, Ritchey, Rippey, Rose, Rulon, Russell, Saylor, and Schoonover,—27.

So the joint resolution passed to a third reading on to-morrow.

No. 141, a joint resolution relative to a national bank;

Was read a second time, and

On motion of Mr. Jenckes,

Laid upon the table.

No. 48, of the Senate, to secure to the owners of land, upon which the public works have been suspended the use of the same;

Was read a second time and passed to a third reading.

No. 149, to enable the treasury to meet current demands for the civil list for 1841, growing out of the deficit of 1840.

No. 150, for the relief of the Miami and other Indians;

No. 152, for the relief of Cinderella Hooker;

No. 153, for the relief of Elvira Garner;

No. 154, providing for draining swamps, ponds, marshes, bogs, and other low lands within the county of Spencer;

No. 156, for the relief of school district No. 3, in township No. 6, south of range No. 10 west, in Vanderburgh county;

No. 157, to define the boundary line between the counties of Clark and Floyd;

No. 158, to amend an act to incorporate the Columbus and Driftwood bridge company, approved Feb. 3, 1839;

No. 169, legalizing the acts of William G. Thomas, school commissioner of Spencer county, and for other purposes.

No. 173, to incorporate the trustees of the Daviess county seminary;

Were severally read, and ordered to be engrossed for a 3d reading on to-morrow.

No. 155, for the relocation of the seat of justice in Blackford county;

Was read a second time and laid on the table.

No. 159, to incorporate the town of Carlisle, in Sullivan county;

Was read a second time and referred to the committee on corporations.

No. 170, a joint resolution relative to the college fund;

Was read a second time, when,

On motion of Mr. Sweetser of M.,

It was laid upon the table.

No. 171, declaring a certain name, a misprint, and for other purposes;

Was read a 2d time, when,

Mr. Burton moved to refer it to the committee on roads;

Which motion did not prevail.

The bill was then ordered to be engrossed for a 3d reading on to-morrow.

No. 172, to amend an act entitled an act to create the office of private secretary to the Governor, approved Feb. 16, 1838;

Was read a 2d time and referred to a select committee of Messrs. Mason, Kerr, and Shawhan.

No. 174, to amend an act entitled an act to amend an act entitled an act to provide for the distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to receive by virtue of an act of Congress, approved June 25, 1836, approved Feb. 17, 1838;

Was read a 2d time and referred to the committee on education.

No. 175, to amend the act regulating the duties of justices of the peace, approved Feb. 17, 1838.

No. 176, to amend an act for the relief of John Rodolph Fischli, approved Feb. 18, 1839.

No. 177, for the relief of the owners of Indian reservations;

Were severally read a 2d time, and referred to the committee on the judiciary.

The Speaker then laid before the House a communication from the secretary of the Vernon Saving's Institution;

Which was read, and referred to the committee on the judiciary.

The Speaker also laid before the House, a communication from N. B. Palmer, Esq. Fund Commissioner, in answer to a resolution of the House;

Which was read and referred to the committee on the canal fund.

Mr. Shanks made the following report:

MR. SPEAKER—

The committee on engrossed bills have compared the engrossed with the original bill of the House, of the following title:

No. 139, authorizing an additional justice of the peace and constable in Jackson township in the county of Putnam;

And find the same correctly engrossed.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

And on motion of Mr. Brenton,

Resolved itself into committee of the whole, Mr. Mason in the chair, upon bills No. 100, 78, 168 and two communications from Samuel Merrill, Esq. President of the state bank.



And after some time spent therein, the committee rose, the chairman reported that they had made some progress therein but not having time to go through, asked leave to sit again;

Which was granted.

And then, on motion,

The House adjourned until to-morrow morning, 9 o'clock.

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WEDNESDAY, JANUARY 13th, 1841.

The House met pursuant to adjournment.

Mr. George G. Shoup, member elect from the county of Franklin, appeared, produced his credentials, was sworn into office by the Hon. Speaker of the House, and took his seat.

PETITIONS WERE PRESENTED.

By Mr. Freeman, from J. Quackenbush and others, of Greene county, in relation to a certain road,

Which was referred to the committee on roads.

By Mr. Atherton, from B. W. Scott and others, in relation to a state road,

Which was referred to the committee on roads.

By Mr. Montgomery of W., the petition of sundry citizens of Tippecanoe county, relative to a state road,

Which was referred to the committee on roads.

By Mr. Welch, of Daniel and Geo. W. Branham,

Which was referred to the committee on canals and internal improvements.

By Mr. Ball, of J. Davis and others,

Which was referred to the committee on corporations.

By Mr. Goodenow, of James Graham and other citizens of Jefferson county, in reference to the school funds,

Which was referred to the committee on education.

By Mr. Atherton, of Francis Cash, contractor on the public works-

Which was referred to the committee on canals and internal improvements.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared the engrossed with the original bills of the following titles:

No. 145—To distribute the school funds, and for other purposes, in Perry county,

No. 147—To repeal the 103d section of an act therein named, so far as relates to Perry county.

No. 149—To enable the treasury to meet the current demands for the civil list for 1841, growing out of the deficit of 1840.

No. 150—For the relief of the Miami and other Indians.

No. 152—For the relief of Cinderella Hooker.

No. 153—For the relief of Elvira Garner.

No. 154—Providing for the draining swamps, marshes, ponds, bogs, and other low lands in the county of Spencer.

No. 156—For the relief of school district No. 3, in township No. 6, south of range No. 10, in Vanderburgh county.

No. 157—To define the boundary line between the counties of Clark and Floyd.

No. 158—To amend an act to incorporate the Columbus and Driftwood Bridge company, approved Feb. 8, 1839.

No. 159—Legalizing the acts of William G. Thomas, school commissioner of Spencer county, and for other purposes.

No. 171—Declaring a certain name therein a misprint, and for other purposes.

No. 173—To incorporate the Trustees of the Daviess county Seminary

No. 181—To re-appropriate certain moneys therein named.

And find the same correctly engrossed.

MR. SPEAKER—

The committee on engrossed bills have compared the engrossed with the original bills of the House, of the following titles;

No. 137—To provide for the assessment and collection of the State Revenue for the county of Spencer for the year 1837, and also for the county of Cass due for the year 1839.

No. 114—To authorize William L. McKinney, a minor, to sell certain real estate therein named.

And find the same correctly engrossed.

Mr. Rulon made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred a resolution instructing them to inquire into the expediency of so amending the law for the collection of tax on delinquent lands, that no more of said land be sold than will pay said tax and cost, have had the same under consideration and have instructed me to report; that inasmuch as there

is now a bill before the House on that subject, further legislation by them is unnecessary, and ask to be discharged from the further consideration thereof.

Which was concurred in and the committee discharged.

Mr. Brenton made the following report,

MR. SPEAKER—

The judiciary committee to whom a preamble and resolution was referred, requesting them to inquire into and provide by law (if necessary) that the purchaser under a decree of the probate court, with an adopted seal, may, on petition to said court, have a decree thereof, for the perfection of his title by a new deed, or have such other relief as may be just and right, have considered the subject matter of said preamble and resolution, and have directed me to report that legislation on that subject is inexpedient, and ask to be discharged from the further consideration thereof.

Which was concurred in and the committee discharged.

Mr. Chiles made the following report,

MR. SPEAKER—

The judiciary committee to whom was referred a bill of the House, No. 132, entitled "A bill to abolish capital punishment" have had the same under consideration, and have directed me to report it back to the House, and recommend its passage, with the following amendments:

In the second section, strike out "jail and penitentiary of the State of Indiana" where it occurs, and insert "state's prison;" and add to the 2d section the following proviso:

Provided that nothing in this act shall be so construed as to affect any crime heretofore committed, the punishment of which is death.

And provided further, that if any person shall hereafter be found guilty of any offence heretofore committed of which the punishment is death, the court shall at the request of such person under judgment that he or she shall be confined in the state's prison for life, and such judgment shall be valid in law.

The amendments were then read and concurred in, and said bill No. 132 and amendments ordered to be engrossed for a third reading on tomorrow.

Mr. Morgan made the following report,

MR. SPEAKER—

The committee on roads to whom was referred the petition of Clement McDonald and others, praying that Patoka river in Orange county may be declared a public highway, have had the same under consideration, and instructed me to report the following bill,

A bill declaring Patoka a public highway and for other purposes.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Morgan also made the following report,

MR. SPEAKER:

The committee on roads to whom was referred the petition of N. H. Gist and others, praying that the Carroll Light Infantry company, and all other Light companies which may be organized hereafter in this county, may be exempted from the payment of a poll tax and from working on roads, have had the same under consideration and respectfully ask leave to report:

That until the adoption by Congress of Mr. Poinsett's plan, or Old Tip's plan, or some other great man's plan, for organizing the militia of the United States, it will be inexpedient to exempt the *chivalry* of Carroll county from working on roads. The committee cannot conceive that the other branch of the subject properly comes within their legitimate sphere of action. They have not the requisite information to enable them to determine which would be most valuable to the country, the poll tax of the Carroll Light Infantry or their splendid military services; neither do they know whether the Treasury is exactly in a condition to admit of such a draw back. They therefore respectfully ask leave to report the petition back to the House, and unanimously recommend that it be referred to the committee on Ways and means.

Which was concurred in and the petition so referred.

Mr. Smith of Fayette, from the committee on Canals and Internal Improvements, made the following report:

MR. SPEAKER—

The committee on Canals and Internal Improvements, to whom were referred a petition of Mahlon Pearson and others, praying for the passage of a law to provide for the payment for improvements made on canal lands; also bill of the House No. 116, entitled "a bill to extend to the settlers on the Wabash and Erie canal lands, the benefits of an act for the relief of settlers on the Wabash and Erie canal lands," approved 24th Feb. 1840, have had the subjects embraced in said petition and bill under consideration, and have directed me to report:

That the bill referred will, with a slight amendment, afford the relief prayed for in said petition. The committee therefore recommend the following amendment to the bill, to wit:

In the fourth line of the bill, between the words 'lands' and 'six,' insert 'heretofore selected or hereafter to be selected.'

The amendment made by the committee was concurred in.

And said bill No. 116, and amendments, were ordered to be engrossed for a third reading.

Mr. Brown made the following report:

MR. SPEAKER:

The committee on Agriculture to whom was referred the petition of P. V. Houston and others, of Elkhart county, on the subject of silk and cocoons, have had the same under consideration and have directed me to report:

That legislation is not now necessary on that subject. The committee knowing that the State is largely in debt, so that she cannot go a head with her Internal Improvements on a large scale or even in the small way, they therefore would beg leave to recommend to the citizens of the State of Indiana, to commence Internal Improvements in each and every family by the use of spinning wheels and looms, so that with industry and economy, we will be able to pay the taxes which we are in honor bound to pay, to save our State and individual credit. Let the husbandman do his duty—implore the blessings of kind Providence, and then, with the assistance of the ladies, we shall be able to withstand the storm—pay our taxes with ease—and the members of the next legislature appear here next winter neatly clad in home-spun and home-made clothes. Pursue this course for five years, and we shall not only be able to pay our taxes, but to complete some of our public works.

Which report was read and concurred in.

Mr. Mason made the following report:

MR. SPEAKER—

The committee to whom was referred bill No. 131, of the House, "a bill for the relief of Edward H. Jacot," have had the same under their consideration, and have directed me to report the same back to the House with the following amendment:

Strike out all after the word "Treasurer," in the fourth line from the bottom;

And recommend the passage of the bill.

The amendment made by the committee was concurred in;

And that and the bill were ordered to be engrossed for a third reading.

Mr. Mason also made the following report:

MR. SPEAKER:

The select committee to which was referred bill No. 172, of the House, "a bill to amend an act concerning Private Secretary to the Governor," have had the same under consideration and directed me to report the same back to the House with the following additional section.

Which was read and concurred in; when,

Mr. Brenton moved to strike out "three hundred" and insert "one hundred and fifty."

Which was decided in the negative.

The bill and amendment were then ordered to be engrossed for a third reading.

Mr. Jones made the following report:

**MR. SPEAKER:**

The select committee to whom was referred a resolution of the House, instructing them to classify all the public works embraced in the act, entitled an act to provide for a general system of Internal Improvements, approved Jan. 27, 1836; have had the same under consideration, and a majority thereof have directed me to report the following bill:

No. 186, a bill to modify the system of Internal Improvements;

Which was read the first and second times, the rules being suspended.) when

Mr. Bowles moved that it be laid upon the table, and that 200 copies be printed;

Which motion did not prevail.

Mr. Butler of V. moved that said bill be committed to the committee of the whole House, and made the order of the day for Monday next;

Which was agreed to.

Mr. Smith of Fayette from a select committee, made the following report:

**MR. SPEAKER;**

The select committee to whom was referred bill of the House, No. 45, entitled a bill to amend an act regulating the jurisdiction and duties of justices of the peace, approved 17, February, 1838; have directed me to report the same back to the House, with the following amendment, to-wit: add the following section;

Which was read and concurred in; and

The bill and amendment were ordered to be engrossed for a third reading on to-morrow.

Mr. Cole made the following report:

Bill No. 26, of the House of Representatives,

**MR. SPEAKER;**

The select committee to whom was referred a bill to amend an act, entitled an act to incorporate the Lawrenceburgh bridge company, approved January 24th 1837; have had the same under consideration and have directed me to report the original bill back to the House, with the following amendments, in which they ask the concurrence of the House, and thus amended, recommend its passage:

1st. Amendment, strike the 7th section of the bill, and insert sections 7, 8, 9, 10, 11 and 12 in the place thereof.

2d, Amendment, transpose the number of the sections of the original bill, so as to conform to the first amendment.

3d, Amendment, strike out the 13th section of the original bill, and insert the 18th section of the amendment in place thereof, as a repealing clause to said bill.

Which report was read, when

On motion of Mr. Bowers the report, bill and amendments were laid on the table.

Mr. Conner made the following report:

MR. SPEAKER:

The committee to whom bill No. 146, was referred, have had the same under consideration, and instructed me to report it back with one amendment; strike it out from the enacting clause and insert the following:

Which was read and concurred in;

And said bill and amendment ordered to be engrossed and read a third time on to-morrow.

Mr. Sweetser of G. made the following report:

MR. SPEAKER;

The select committee to whom was referred the petition of John Coppick and others, citizens of Grant county, asking the passage of an act, authorizing Obediah Jones, to build a mill dam across the Mississinaway river, have according to order had the same under consideration, and directed me to report a bill,

No. 187, to authorize Obediah Jones to build a mill dam across the Mississinaway river, in the the county of Grant;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Runyan made the following report:

MR. SPEAKER;

The select committee to whom was referred a resolution of the House, instructing them to inquire into the expediency of appropriating on the Michigan road, all the road labor or work required by law, to be performed by any and all hands residing in any road district, which said road may pass through; have had the same under consideration, and instructed me to report the following bill:

No. 188, Defining the duties of supervisors in road districts through which the Michigan road passes;

Which was read the first time, and passed to a second reading on to-morrow.

The Speaker laid before the House a communication from Samuel Merrill, President of the State Bank;

Which was read and referred to the committee on the State Bank.

The House then proceeded to the orders of the day, being bills on the third reading.

No. 48 of the Senate, an act to secure to the owners of land upon which the public works have been suspended, the use of the same.

No. 145, an act to distribute the school funds and for other purposes, in Perry county.

No. 147, an act to repeal the 103d section of an act therein named, so far as relates to Perry county.

No. 149, an act to enable the Treasury to meet the current demands for the civil list of 1841, growing out of the deficit of 1840.

No. 150, an act for the relief of the Miami and other Indians.

No. 152, an act for the relief of Cinderella Hooker.

No. 153, an act for the relief of Elvira Garner.

No. 154, an act providing for draining swamps, ponds, marshes, bogs and other low lands within the county of Spencer.

No. 156, an act for the relief of school district, No. 3, in township No. 6, south of range, No. 10, in Vanderburg county.

No. 157, an act to define the boundary line between Clark and Floyd counties.

No. 158, an act to amend an act to incorporate the Columbus and Driftwood bridge company, approved February 3, 1839.

No. 169, an act legalizing the acts of William G. Thomas, School Commissioner of Spencer county, and for other purposes;

Were severally read the third time and passed.

Ordered that the Senate be informed thereof.

Mr. Byers made the following report:

#### MR. SPEAKER—

The joint committee on enrolled bills report; that they have compared the following engrossed bills of the House, with the enrolled thereof, and find the same correctly enrolled.

No. 1—A joint resolution on the subject of amending the constitution of the United States.

No. 4—An act to repeal an act regulating the jurisdiction of justices of the peace in Jackson county, approved January 25th, 1840.

No. 11—An act to amend an act entitled an act to prohibit the amalgamation of whites and blacks.

No. 51—An act to revive certain acts relative to a stay of execution.

No. 59—An act to incorporate the Madison Law Library Society.

No. 72—An act to authorize the state of Michigan to make certain improvements on the St. Joseph river, and for other purposes.

No. 77—An act to prevent the spreading of the disease commonly called the glanders among horses.



No. 80—An act to incorporate the Connersville Musical Institute.

No. 105—An act to amend an act entitled "an act relative to roads in Parke county, approved February 18th, 1839.

Mr. Butler of C. made the following report,

MR. SPEAKER—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bill of the Senate, of the following title, and find the same duly enrolled.

No. 12—An act to repeal certain acts therein named so far as they relate to the county of Carroll.

No. 66 Of the Senate—A joint resolution relative to a National Bank,

Was read the third time, when,

Mr. Henley moved that said bill be postponed until the first day of August next,

And the ayes and noes being demanded thereon by Messrs. Henley and Bowles,

*Those who voted in the affirmative were*

Messrs. Bowles, Burton, Byers, Carr, Casey, Chrisman, Clark of F., Clark of T., Dowling, Dunbar, Graham, Henley, Lucas, McCully, Miller, Newell of F. Newell of White, Read, Ritchey, Rippey, Saylor, Schoonover, Shanks, and Shoup—24.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of C., Butler of V., Champer, Chiles, Clark of D., Cole, Coleman, Conner, Conwell, Defrees, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, McCrillis, Montgomery of G., Montgomery of W., Morgan, North, Peck, Quick, Rawlings, Rayburn, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Strattan, Sweetser of G., Welch, Wilson and Mr. Speaker.—64.

So the consideration of said bill was not so postponed.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

And resumed the consideration of the question pending when the House adjourned, viz: the passage of a joint resolution No. 66, of the Senate, when,

Mr. Coleman moved to recommit said joint resolution to a select committee, with the following instructions:

"That the stock in said institution should be confined to the federal government, the states, and American citizens."

"That Indiana will accept a branch of said Bank, and become a stockholder therein."

Mr. Brenton called for a division of the question (being on committing.)

And the ayes and noes being demanded thereon by Messrs. Coleman and Bowles,

*Those who voted in the affirmative were*

Messrs. Chiles, Chrisman; Clark of Tippecanoe, Coleman, Conwell, Dowling, Farrington, Freeman, Harrah, Henley, Houghton, Miller, Montgomery of G., Morgan, Newell of White, North, Peck, Read, Rose, Russell, Shortridge, Shoup, Stanford, Sweetser of G., Sweetser of Marion, and Wilson—26.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Brown, Burgess, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Clark of Dearborn, Clark of Fountain, Coffeen, Conner, Defrees, Dunbar, Elkins, Foote, Graham, Hamer, Harding, Hiatt, Howe, Jenckes, Jones, Kerr, Lancaster, Lucas, Mason, McCully, Montgomery of W., Newell of F., Quick, Rawlings, Rayburn, Ritchey, Rippey, Ross, Rulon, Runyan, Saylor, Schoonover, Shawhan, Sloan, Smydth of Daviess, Smith of Fayette, Strattan, Welch, and Mr. Speaker—55.

So the House refused to commit said joint resolution.

The question then recurred on the passage of said joint resolution of the Senate, but before any decision was had thereon.

On motion,

The House adjourned until 9 o'clock to-morrow morning.

THURSDAY, JAN. 14, 1841.

The House met pursuant to adjournment.

PETITIONS WERE PRESENTED

By *Mr. Rulon*, from Jacob H. Sanders, and others, praying for the location of a state road;

Which was referred to the committee on roads.

By *Mr. Coffeen*, of the citizens of Blackford county, relative to increasing the limits of said county;

Which was referred to a select committee of *Mesrs. Coffeen, Rulon, and Sweetser of G.*,

By *Mr. Leslie*, of sundry citizens of Harrison county, relative to a state road;

Which was referred to a select committee of *Messrs. Leslie, Stanford and Sloan.*

By *Mr. Farrington*, of J. B. Moulton and others, contractors of the public works;

Which was referred to the committee on Canals and Internal Improvements.

By *Mr. Lancaster*, of the directors of the Richmond and Brookville canal company;

Which was referred to a select committee of *Messrs. Lancaster, Bbradbury, Burgess, Rose and Elkins.*

By *Mr. Chiles*, of John Lynch;

Which was referred to a select committee of *Messrs. Chiles, Coleman and Harrah.*

By *Mr. Read*, of the citizens of Sullivan county, relative to the seat of justice of said county;

Which was referred to a select committee of *Messrs. Read, Freeman and Farrington.*

By *Mr. Montgomery of W.*, of the citizens of Warren county, in reference to the erection of a bridge therein named;

Which was referred to the committee on roads.

By *Mr. Sloan*, a remonstrance of *Nehemiah Tower* and others against the sale of a certain lot of land and school house therein named;

Which was referred to the same select committee to which a petition on the same subject had been referred.

By *Mr. Smydth of D.*, of sundry citizens of Daviess county, relative to the attachment of part of that county to Martin;

Which was referred to a select committee of *Messrs. Read, Houghton and Freeman.*

By *Mr. Coffeen*, of sundry citizens of Delaware county, relative to the collection laws;

Which was referred to a select committee of *Messrs. Coffeen, Rulon and Runyan.*

By *Mr. Howe*, of Anna Maria Gile;

Which was referred to the judiciary committee.

Mr. Sweetser of Marion, made the following report:

Mr. SPEAKER;

The committee on the judiciary, to whom was referred a resolution relative to the liability of justices of the peace, for the solvency of replevy bail for the stay of execution, have had the same under consideration, and directed me to report, that if the replevy bail for the stay of execution is solvent and sufficient as required by the laws now in force, at the time such bail is received by such justice, such justice is not liable for his future solvency, and that no further legislation on that subject is necessary, and pray to be discharged from the further consideration of the subject.

Which was concurred in and the committee discharged:

Mr. Clark of T., chairman of the committee on Education made the following report:

MR. SPEAKER:

The committee on Education to whom was referred the memorial of Miles Averill, school commissioner of Lagrange county, suggesting various amendments in the law providing for common schools, have considered the same, and have instructed me to report that the committee have already embodied the greater part of the amendments suggested by the memorial, in the bill heretofore reported, to revise and amend the school law; and they ask to be discharged from the further consideration thereof.

Which was read and concurred in.

And Mr. Clark also made the following report:

MR. SPEAKER—

The committee on Education to whom was referred the petition of James Graham and other citizens of Jefferson county, praying that the school funds belonging to a certain township in said county, be transferred from the school commissioner to the custody of the township treasurer for the purpose of loaning out the same, have considered the prayer of the petitioners, and are of the opinion that legislation in relation thereto is inexpedient, and they ask to be discharged from the further consideration thereof.

Which was concurred in and the committee discharged.

Mr. Clark also reported the following,

MR. SPEAKER—

The committee on Education to whom was referred a resolution of the House, referring to them so much of the Governor's message as relates to the appointment of a superintendent of common schools, also another resolution of the House, directing them to inquire into the ex-

pediency of providing by law for the appointment of a superintendent of common schools, to be paid out of the interest of certain school funds now placed in the State Bank, have considered the subject and a majority of the committee have instructed me to report that in their opinion, the appointment of such an officer at present is inexpedient and unnecessary, and they ask to be discharged from the further consideration thereof.

Which was read, when,

Mr. Lancaster moved to recommit said resolution and report to a select committee, when,

Mr. Durbin moved the following instructions to the committee, viz:

“If they deem it expedient to recommend the appointment of a general superintendent, to report a bill defining his duties, privileges and salary.

Which was agreed to.

And said resolution, report and instructions were recommitted to a select committee of Messrs. Lancaster, Farrington and Brenton.

Also Mr. Clark made the following report:

MR. SPEAKER—

The committee on Education having ascertained that only two townships in the state have deposited the money arising from the sale of the school section of their township, with the superintendent of the loan office, and believing the inconvenience and expense such as to deter the townships hereafter from giving such a direction to their funds, they have therefore in the revision of the school law, omitted the chapter providing for depositing school moneys in the loan office, and therefore have instructed me to report a bill entitled,

No. 189—A bill in relation to school moneys deposited with the superintendent of the loan office,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Clark of Tippecanoe, also made the following additional report:

MR. SPEAKER:

The committee on Education to whom was referred the petition of Joseph Somes and others, praying the legislature to enact a law prohibiting all those from practicing medicine in this state who have not been properly qualified for following so responsible and important a profession, have considered that subject and have instructed me to report that in their opinion any legislation in relation to this subject would increase the evils which the petitioners seem anxious to remedy. The committee are of the opinion that science, learning, and truth are abundantly able to encounter and ultimately overcome ignorance and

imposition, without the aid of any special legal enactments, and they therefore ask to be discharged from the further consideration of the subject.

Which was read, concurred in and the committee discharged.

Mr. Strattan made the following report,

Mr. SPEAKER—

The committee on canals and internal improvements to which was referred the petition of Daniel Branham and Geo. W. Branham, praying relief for damage sustained as contractors on section ninety-three, on the White Water Canal, have had the same under consideration, and have directed me to report that in the opinion of said committee it is inexpedient to legislate upon the subject, and ask to be discharged from the further consideration of the same.

Which was concurred in and the committee discharged.

Mr. Shortridge made the following report,

Mr. SPEAKER—

The committee on corporations to whom was referred an engrossed bill of the Senate No. 40, entitled a bill to incorporate the Princeton Musical Institute, have considered the provisions thereof, and have made an amendment thereto, in which I am directed to ask the concurrence of the House.

Which amendment was read and concurred in and the bill and amendment ordered to be engrossed for a third reading on to-morrow.

Mr. Elkins from the committee on corporations made the following report:

Mr. SPEAKER—

The committee on corporations to whom was referred bill of the House of Representatives No. 129, entitled an act for the incorporation of the Bristol Manufacturing company, have according to order had the same under consideration and instruct me to report the same back to the House without amendment.

Said bill was then ordered to be engrossed for a third reading.

Mr. Coffeen made the following report:

Mr. SPEAKER:

The committee on Corporations to whom was referred a bill to extend the benefits of an act entitled an act to incorporate the Marion Fire Engine company, approved January 20th, 1838, have had the same under consideration, and directed me to report the same back to the House without amendment, and recommend its passage.

Said bill named in said report was then ordered to be engrossed for a third reading on to-morrow.

Mr. Bowers made the following report:

MR. SPEAKER:

The committee on Corporations to whom was referred the bill, No. 143, entitled a bill to incorporate the Greensburg Steam-mill and Manufacturing company, in Decatur county, have had the same under consideration according to order, and have directed me to report the same back to the House without amendment.

Which bill, No. 143, was ordered to be engrossed for a third reading on to-morrow.

Mr. Shoup was added to the committee on Corporations.

Mr. Defrees made the following report:

MR. SPEAKER:

The committee on Canals and Internal Improvements to whom was referred a resolution of this House, directing them to inquire into the expediency of amending the 17th section of the act providing for a general system of Internal Improvements, approved 27th January, 1836, have had it under consideration and have directed me to report the following bill:

No. 190, an act entitled an act to amend the 17th section of an act to provide for a general system of Internal Improvements, approved January 27th, 1836.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Mason made the following report:

MR. SPEAKER:

The committee on Federal Relations to whom were referred so much of the late Governor's message as relates to the distribution of the proceeds of the sale of the public lands, and so much of his message as relates to the distributive share that Indiana would be entitled to receive under Mr. Clay's land bill, after the payment of the national debt, also the accompanying documents upon the same subject, being a report from a select committee made to the New York legislature, on the 4th day of May, 1840, also sundry resolutions of the General Assembly of the State of Connecticut on this subject, adopted at their May session, 1840; also two several resolutions of the General Assembly of the State of Vermont, adopted the 20th of Nov. 1839 on the same subject; also a preamble and resolutions of the General Assembly of the State of Kentucky, approved February 12th, 1840, embracing the same matter, have had the same under their consideration and have directed me to make the following

## REPORT :

The committee have devoted that attention to the subject that its great importance deserves, and after a careful and full examination of the whole subject, they cannot but express their full conviction of the correctness of the sentiments expressed in the resolutions adopted by the Legislatures of New York, Vermont, Connecticut and Kentucky; as well as the opinions expressed in the annual message of our late Governor, David Wallace, upon the right of the States to the proceeds of the sale of the public domain, after the extinguishment of the national debt. The committee are happy to find the sanction of our present executive given to those sentiments in his Inaugural Address in which he has taken the same elevated ground as that occupied in the resolutions above referred to.

The committee do not deem it necessary to enter into a lengthy or detailed argument upon this subject, or to refer to the various deeds of cession which have been made by the States ceding the public lands, or to the purchase of Louisiana and the Floridas, in which a large portion of the public lands is situated. They feel themselves relieved from the performance of this arduous duty by the report of the committee to the New-York legislature upon this subject, and now laying upon the desks of members in a printed form, and in which the claims of the several States to the proceeds of the sale of the public lands are set out in the most clear and forcible manner.

The resolutions of the States of Vermont, Connecticut and Kentucky, your committee are happy to find, present the same views as those expressed by New-York.

The right of the States to the proceeds of the public lands since the payment of the National debt up to the present period, and until the General Government shall takes steps to disburse to the States their proceeds, is a subject of much importance, and one in which the States are greatly interested. If the United States' Government is a trustee for the several States, as claimed by the message of our late Governor, the subject is divested of all doubt. That the General Government stands in this relation to the States, is in the opinion of your committee, established by the documents before spoken of, and that the public domain cannot, by any principle of law or moral right, be diverted from the object for which it was originally ceded to the United States.

The states having slumbered upon their rights during the payment of the National debt, have not surrendered or weakened their claims upon this subject.

The application of the proceeds of the sale of the public lands to the payment of the National debt, was in discharge of a solemn obligation the Government owed to her public creditors, and the reservation to government purposes of these proceeds afforded the only guaranty they possessed for the ultimate payment of their claims. The fulfilment of these engagements, has left that vast fund to be applied to the use of the states as expressed in the various grants and sessions



made to the general government, as a trustee for all the states that became members of the Federal compact.

From this view of the subject the committee are clearly of the opinion, that the United States is both legally and morally bound to pay over to the states, all of the proceeds of the public lands, that have accrued since the payment of the public debt.

There is no principle better established than that a Trustee is morally as well as legally bound to account for his agency to the party in whose favor the trust has been created, although in the case before us, the States have no means of enforcing their legal claims upon the General Government, yet the committee do not for a moment doubt, but that the United States' Government will, when properly advised, be actuated and governed by those great moral principles on which our republic is based, and pay to the states their just demands as the adoption of a different course would be a violation of public faith, and calculated to subvert the principles of the government.

From these considerations the committee have directed me to report the following joint resolution, and recommend its adoption:

No. 191. A joint resolution relative to the public domain.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Champer, Chairman of the committee on Federal Relations, made the following report:

MR. SPEAKER:

The committee on Federal Relations to whom was referred the report and resolutions of the legislature of the State of Virginia, and other documents, relating to a demand made by the Executive of that State upon the Governor of the State of New-York, claiming certain fugitives from justice, have agreed to the following

#### REPORT:

The committee have bestowed upon that subject the attention its importance demands. They suppose it not less unwise than improper for one State of this Union, unsolicited, to take sides with another in a question agitated between any number of them, like the one under consideration. But, in the present instance, they deem it right, both as it regards the States at variance, and in justice to Indiana herself, that her position be defined. It will not be denied to be the privilege of any one of the States, and it may become her duty, fully to express her views in questions of controversy between her sisters, that may involve the rights of others.

Your committee regard the question at issue between the States of New-York and Virginia, one of that character. They understand that question to rest upon the following statement of facts:

That, in the month of July, 1839, the Governor of the State of Virginia made a demand upon the Executive of New-York, for the sur-

render of Peter Johnson, Edward Smith, and Isaac Gancey, attached to the schooner *Robert Centre*, then in New-York, who were duly charged, by affidavit regularly made before one Miles King, who was a Justice of the Peace, and then Mayor of Norfolk, with having feloniously stolen and taken from John G. Colley, a certain negro slave Isaac, the property of said Colley; with which demand the Governor of the State of New-York refused to comply.

The committee understand from the correspondence between the Executive branches of those two States, the question to be stripped of all technical objections, and placed on the broad ground that one State, in such case, is not bound to deliver fugitives from justice on the demand of another. On such statements of facts, if true, we could not hesitate in coming to the conclusion, that any one of the States, by the law of which such act is made felony, would have the right to demand, by legal course, a person guilty of such offence within her jurisdiction, as a fugitive from justice, of the Executive authority of the State to which he may have fled, and on such demand he should be surrendered.

If it were deemed necessary to laboriously investigate this subject, the committee might go into an examination of the law of nations applying on such questions, which, they feel assured, would sustain the position assumed by them. This however is rendered useless by the investigation the legislature of Virginia has bestowed on that branch of the subject; in whose opinion they also concur. To arrive at a correct conclusion on this subject, the committee however believe it will be only necessary to turn to the constitution of our own country. They look to that instrument as not only recognizing the principles of the law of nations, but also as an extension of that law.—It may be possible that a case might occur under our constitution, in which a State should refuse to surrender a fugitive from justice, guilty of a trivial misdemeanor merely; but it is not at all probable, that any other State would pursue an offender in such a case. It is therefore but reasonable to conclude, that a precedent of that kind, the one way or the other, will never happen in this republic. In the second clause of the second section of the fourth article of the constitution of the United States, this language is employed: “A person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in any other State, shall, on the demand of the Executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.” The act here complained of is not treason; and whether it be a felony of sufficient atrocity, to fall within the class of cases recognized by the law of nations, in such instances as the present question presents, is wholly immaterial; inasmuch as we believe it to be clearly within the meaning of the term “or other crime,” in the constitution. But if that were not so, the authority of the cases in 4 Johnson, Chan. Reports, page 113, and 9 Wendel, page 212, cited by Virginia, goes far to show it is within the rule governing between sovereign and independent nations, without regard to the constitution of the United States. The words

“treason, felony, and crime,” (as is truly said by Virginia,) are common law terms, and of the three, *crime* is a word of the most extended meaning. Blackstone, in his commentaries on the common law of England, defines crime to be “an act committed or omitted, in violation of a public law, either forbidding or commanding it,” and then says, “this general definition contemplates both crimes and misdemeanors, which, properly speaking, are mere synonymous terms, though in common usage, the word crime is made to denote such offences as are of a deeper and more atrocious dye.”

But it may be asked with much apparent reason, why did the framers of our constitution, if they did not intend to embrace any case that might, on any reasonable hypothesis arise between these states, and thus settle by positive law, such difficulties between them in convention in 1787, strike out the words “high misdemeanors,” and insert in their stead the term “or other crime” as it seems to us it must be very evident, they supposed there was but little or no danger of any one state pursuing a fugitive from justice, into the territory of another, unless the injury done by his act, should be of such magnitude as to warrant it, of which we think the state whose laws are violated in ordinary cases, should be the judge. A different course would be as inconsistent with the interest, as the honor and dignity of the state demanding; we can scarcely suppose a case that can ever arise in this Union, in which a contrary doctrine should be held, especially when the tenderness for the life and liberty of the citizens, by the penal codes of all the states, and their modes of trial and punishment are considered, from which no danger of cruelty can be apprehended. But it is contended on the part of the Executive of the State of New York, that the object of the provision in the constitution of the United States, relative to the demand of fugitives from justice, applies only to those acts, which if committed within the jurisdiction of the state where the person accused may be found, would be treasonable, felonious, or criminal by the laws of that state; that no law of New York at the time recognized—no statute admitted, that one man could be the property of another, or that one man could be stolen from another, and that consequently the laws of Virginia, making the stealing of a slave felony, did not constitute a crime within the meaning of the constitution.

If such construction be correct, it follows in the opinion of your committee, that in a confederacy like our own, composed of a number of independent sovereignties, divided by imaginary lines only, it would lead to the result of each in its turn, becoming an asylum for those who might choose to violate the criminal laws of the others. If such rule be once recognized as settled, then is the harmonious action of these state interrupted. It seems to us a sufficient answer to that reasoning is to be found in the fact, that a person guilty of a crime in one of the states, if tried at all, must be tried in the state whose laws he has violated, no other state having the right to entertain jurisdiction of the case. It certainly cannot be just reasoning to say, because, the act complained of, is not criminal in the state to which the offender

may flee, therefore the executive of that state is the less bound to surrender him when legally demanded by the proper authority of the state, whose laws are broken.

The committee understand, that the states, which compose this union are sovereign and independent, and as such have the right to regulate by laws of their own enactment, their internal policy. If therefore, the slave holding part of them, make the stealing of slaves penal, as we think they have the right to do, it seems to us, that all the other states should regard those laws as binding on them, so far at least, as the principles, involved in questions of this character, are concerned.

All the powers not delegated away by the states, belong to them; and in their sovereign capacity, they may exercise them as they shall deem right.

Therefore, your committee are of opinion that the right to hold slaves by those states belongs to them by the federal compact; and as a consequence of that right, the power to place any value upon them they choose, and protect that property by such laws as they may make; if consistent with the constitution of the United States. Hence it seems to your committee, that a violation of the laws of any state on that subject, is a crime within the meaning of the constitution. If it were true that the constitution recognized such acts only as are criminal in the state where the offender should be found, then it would seem to us that one state would have the power to interfere to an alarming extent with the rights of the others, without leaving to them any redress but the resort to arms—the occurrence of which it was clearly the intention of the framers of the constitution not to encourage but to prevent. It is truly said, that when the citizens of one state exercise their right of passing into the limits of another, it is on the tacit condition that they will conform to the laws of the state, into which they go; and if they violate those laws while there, for that infraction, we think they should answer unto that state, and none other. Any other conclusion would seem to your committee in direct contradiction of the constitution of the United States, as also opposed to the spirit and genius of all our institutions.

The committee do not deem it necessary to enter into a labored examination of this subject, but only to express the sense of the state on what they understand to be the general principle involved in the question.

They therefore recommend the adoption of the following resolution.

*Resolved*, That his Excellency the Governor be requested to transmit copies of this report to the Executives of the States of Virginia and New York.

Which was read, and,

On motion of Mr. Mason,

200 copies thereof ordered to be printed.

Mr. Stanford, from a select committee made the following report:

MR. SPEAKER—

The select committee to whom was referred a bill, No. 3 of the Senate, entitled, a bill to equalize the judicial circuits of the State of Indiana, and for other purposes, with instructions to strike out of the bill the section authorizing the formation of a new circuit, and to equalize the existing judicial circuits, have considered the same, and have made one amendment thereto, which is by striking it out from the enacting clause, and inserting the accompanying amendment—according to which the time necessarily employed in holding courts in the several counties (if no change is made from 1840,) in one year will be as follows; The 1st circuit 23 weeks; the 2d circuit 29 weeks; the 3d circuit 22 weeks; the 4th circuit 22 weeks; the 5th circuit 26 weeks; the 6th circuit 28 weeks; the 7th circuit 24 weeks; the 8th circuit 21 weeks; the 9th circuit 21 weeks; the 10th circuit 24 weeks; and the 11th circuit 22 weeks; in which I am instructed to ask the concurrence of the House.

Which was read, when,

Mr. Dunbar moved “to recommit the bill with instructions to equalize the judicial circuits.”

Mr. Montgomery of G. moved to amend the instructions of Mr. Dunbar as follows:

That the bill be referred to a select committee with instructions to form one new circuit and equalize the labors in the old circuits, if it shall be found necessary.

On which amendment the ayes and noes were ordered by Messrs. Stanford and Durbin,

*Those who voted in the affirmative were*

Messrs. Brown, Butler of V., Casey, Champer, Clark of D., Coffeen, Coleman, Conner, Defrees, Dowling, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Henley, Houghton, Howe, Jenckes, Jones, Kile, Lancaster, Mason, McGrillis, McCully, Miller, Montgomery of Gibson, Read, Rayburn, Robbins, Rulon, Runyan, Russell, Saylor, Smydth of Daviess, Smith of F., Sweetser of M., Walpole and Mr. Speaker.—40.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Burgess, Burton, Butler of C., Byers, Carr, Chrisman, Clark of F., Clark of T., Cole, Conwell, Dunn, Dunbar, Durbin, Harding, Harrah, Harrison, Hiatt, Kerr, Leslie, Lucas, McCoy, Montgomery of Warren, Morgan, Newell of F., North, Peck, Quick, Rawlings, Ritchey, Rippey, Rose, Ross, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Stanford, Strattan, Sweetser of Grant, and Wilson.—50.

So said amendment as proposed by Mr. Montgomery of G. was not agreed to.

Mr. Champer moved to amend the instructions as follows: "or to reorganize the State into judicial circuits."

Which amendment was not adopted.

The question then recurred on instructing the committee as proposed by Mr. Dunbar,

And Messrs. Stanford and Durbin called for the ayes and noes,

*Those who voted in the affirmative were*

Messrs. Bowles, Dunbar, Houghton, Kile, Lucas, McCoy, Read, Smydth of D., and Walpele—9.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Burton, Butler of Cass, Butler of V., Byers, Carr, Casey, Champer, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Jones, Kerr, Lancaster, Leslie, Mason, McCrillis, McCulley, Miller, Montgomery of Gibson, Montgomery of Warren, Morgan, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Shoup, Smith of F., Stanford, Stratton, Sweetser of Grant, Wilson, and Mr. Speaker—78.

So the committee was not so instructed.

The question then recurred on concurring in the report of the select committee,

And the ayes and noes being demanded thereon by Messrs. Burton and Bowles,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowles, Bradbury, Brenton, Brown, Burgess, Burton, Butler of C., Byers, Carr, Chrisman, Clark of D., Clark of F., Clark of T., Cole, Coleman, Conner, Conwell, Dunn, Dunbar, Durbin, Harrah, Harrison, Henley, Hiatt, Houghton, Kerr, Leslie, Lucas, M'Coy, Montgomery of W., Morgan, Newell of F., Newell of W., Peck, Quick, Rawlings, Read, Ritchey, Rippey, Robbins, Rose, Ross, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Stanford, Stratton, Sweetser of G., Sweetser of M., and Wilson—57.

*Those who voted in the negative were,*

Messrs. Butler of V., Casey, Champer, Chiles, Coffeen, Defrees,

Dowling, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Harding, Howe, Jenckes, Jones, Kile, Lancaster, Mason, M'Crillis, M'Cully, Miller, Montgomery of G., North, Rayburn, Rulon, Runyan, Russell, Saylor, Smydth of D., Smith of F., Walpole, and Mr. Speaker—34.

So the report of the committee was concurred in.

Said bill of the Senate No. 3, was then put on its passage;

And the ayes and noes being demanded thereon by Messrs. Stanford and Defrees,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Brown, Burgess, Burton, Butler of C., Byers, Carr, Chrisman, Clark of D., Clark of F., Clark of T., Cole, Coleman, Conner, Conwell, Dunn, Durbin, Harding, Harrah, Harrison, Henley, Hiatt, Houghton, Kerr, Leslie, Lucas, M'Coy, Montgomery of W., Morgan, Newell of F., North, Peck, Quick, Rawlings, Read, Ritchey, Rippey, Robbins, Rose, Ross, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Shoup, Stanford, Stratton, Sweetser of G., Sweetser of M., and Wilson—53.

*Those who voted in the negative were,*

Messrs. Butler of V., Casey, Champer, Coffeen, Defrees, Dowling, Dunbar, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Howe, Jenckes, Jones, Kile, Lancaster, Mason, M'Crillis, M'Cully, Miller, Montgomery of G., Newell of W., Rayburn, Rulon, Runyan, Russell, Saylor, Smydth of D., Smith of F., Walpole, and Mr. Speaker—34.

So said bill passed.

Ordered, that the Senate be informed thereof.

On motion,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

And proceeded to the orders of the day—

No. 66, of the Senate, a joint resolution in relation to a National Bank, was,

On motion of Mr. Dunn,

Laid on the table.

Mr. Dunn asked and obtained leave to introduce the following resolution:

*Resolved*, That when this House adjourns this evening, it shall adjourn to meet again at half past six o'clock, P. M., for the purpose of discussing the joint resolution laid on the table, in relation to a United States Bank.

On motion of Mr. Henley,

The resolution was amended by adding the following:

"That Mr. Dunn be requested to address the House on that subject this evening."

Which was adopted.

Mr. Montgomery of W., moved to further amend the resolution by adding the following amendment:

"That the members present on this evening shall have the privilege to elect their own Speaker."

Which amendment prevailed.

On motion of Mr. Smydth of D.,

Said resolution and amendments were laid on the table, and joint resolution No. 66, of the Senate—A joint resolution in reference to a National Bank—was taken from the table.

And after debate thereon, the previous question was moved by Mr. Dunn, and being seconded by a majority of the members present, the said previous question was put, viz:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, to wit:

Shall said joint resolution pass?

And the ayes and noes being demanded thereon by Messrs. Saylor and Rippey,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of C., Butler of V., Clark of D., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Durbin, Elkins, Farrington, Freeman, Goodenow, Hamar, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Leslie, Mason, M'Crillis, Montgomery of G., Montgomery of W., Morgan, North, Peck, Quick, Rawlings, Read, Rayburn, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Terrell, Walpole, Welch, Wilson, and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Bowles, Burton, Byers, Carr, Casey, Chrisman, Clark of F., Clark of T., Dowling, Dunbar, Graham, Henley, Lucas, M'Coy, M'Culley, Newell of F., Newell of W., Read, Ritchey, Rippey, Rulon, Saylor and Shoup—23.



So said joint resolution passed.

Ordered, that the Senate be informed thereof.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on Engrossed Bills have compared the engrossed with the original bills, as follows:

No. 116, to extend to the settlers on the Wabash and Erie canal lands, the benefits of an act for the relief of settlers on the Wabash and Erie canal lands, approved Feb. 24, 1840;

No. 131, for the relief of Edward H. Jacot;

No. 132, to abolish capital punishment;

No. 146, concerning petit jurors, in certain cases;

No. 172, to amend an act entitled an act to create the office of Private Secretary to the Governor, approved Feb. 16, 1838;

And find the same correctly engrossed.

The following message was received from His Excellency the Governor, by Mr. Moore, his Private Secretary:

MR. SPEAKER;

I am directed by the Governor to inform the House of Representatives, that on this day he approved and signed,

An act to revive certain acts relative to a stay of execution;

An act to amend an act entitled an act relative to roads in Parke county, approved Feb. 18, 1839;

An act to amend an act entitled an act to prohibit the amalgamation of whites and blacks;

An act to authorize the State of Michigan to make certain improvements on the St. Joseph river, and for other purposes;

An act to incorporate the Connersville musical institute;

An act to prevent the spreading of the disease commonly called the glanders among horses;

An act to incorporate the Madison law library society;

An act to repeal an act regulating the jurisdiction of justices of the peace in Jackson county, approved January 25, 1840.

And also a joint resolution entitled,

A joint resolution on the subject of amending the constitution of the United States.

All of which originated in the House of Representatives.

On motion,

The House adjourned until 9 o'clock, to-morrow morning.

FRIDAY, JAN. 15, 1841.

The House met pursuant to adjournment,

Leave of absence was granted to Mr. Robinson and Mr. Woodard.

The Speaker laid before the *House* a communication from Samuel Bigger, Governor of Indiana, enclosing a communication from the Executive of Alabama, with certain resolutions of the General Assembly of that state, responsive to the resolutions of the Connecticut Legislature on the subject of a protective Tariff;

Which, on motion of Mr. Sweetser of M.,

Was laid on the table.

Mr. Burton moved that two hundred copies of the report be printed;

Which motion did not prevail.

The following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER;

The Senate has passed an engrossed joint resolution of the House of Representatives No. 69, relative to the Sub-Treasury bill with amendments.

Also an engrossed bill of the Senate; entitled No. 34, a bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838.

In which bill of the Senate, and the amendments made to the joint resolution of the House, I am directed to ask the concurrence of the House of Representatives.

The amendment to bill No. 69, was read and concurred in, and bill of the Senate No. 34, was read the first time, and passed to a second reading.

PETITIONS WERE PRESENTED.

By Mr. Smydth of D. of Hamlet Sanford and others, relative to the collector of Daviess county for 1839;

Which was referred to a select committee of Messrs. Smydth of D. Conner and Sweetser of M.

By Mr. Bowles, of Azor Charles;

Which was referred to a select committee of Messrs. Bowles, Saylor and Blankenship.

By Mr. Rayburn, of the citizens of Miami county;

Which was referred to the committee on roads.

By Mr. Runyan, of C. B. Simonson and others, relative to a state road;

Which was referred to the committee on roads.

By Mr. Conwell, John Kirk, contractor on the *White water canal*;

Which was referred to the committee on Canals and Internal Improvements.

By Mr. Montgomery of W. of the citizens of *Warren county*, relative to a state road;

Which was referred to the committee on roads.

By Mr. Howe, of sundry citizens of *Noble and Lagrange counties*, concerning a state road;

Which was referred to the committee on roads.

By Mr. Rayburn, of the citizens of *Miami and Kosciusko counties*, concerning the attaching of part of *Kosciusko* to *Fulton county*;

Which was referred to a select committee of Messrs. Rayburn, Runyan and Howe.

By Mr. Ball, the remonstrance of *Solon Robinson* and others, in relation to state roads;

Which was referred to the committee on roads.

By Mr. Newell of F., of *Solomon Hetfield* and others concerning the vacation of a certain street therein named;

Which was referred to a select committee of Messrs. Newell of F. Clark of F. and Clark of T.

By Mr. Champer, of sundry citizens of *Owen county*, concerning the execution laws;

Which was referred to a select committee of Messrs. Champer, Dowling and Freeman.

By Mr. Harrison, of divers citizens of *Putnam and Montgomery counties*, concerning the *New Albany and Crawfordsville M'Adamized road*;

Which was referred to the committee on roads.

By Mr. Cole, of sundry citizens of *Dearborn county* praying a repeal of the law exempting \$100 worth of property from execution, and reviving the act exempting only \$50 00;

Which was laid on the table.

Mr. Jenckes chairman of the committee of ways and means, made the following report:

M. SPEAKER;

The committee on ways and means to whom was referred the petition of sundry citizens of *Carroll county*, respectfully praying the passage of an act exempting the *Carroll Light Infantry company*, and any other *Light Infantry company* that may be organized hereafter in that county, from the payment of a poll tax and from working on roads; have had the petition under consideration, and directed me to

#### R E P O R T :

That in the opinion of the committee nothing but the most *ardent patriotism* could have induced the young gentleman of *Carroll* to form the *light infantry company*; but it is the fate of the soldier to *toil* and *suf-*

fer, as well as to fight and bleed and die for the good of his country. Fortunately our country is not only a land of Liberty, and "an asylum of the oppressed," but the very place in all probability where "the Lion and the Lamb will yet lay down together"—the sword be converted into the plough-share and prooning hook, and war be known *no more*. During the last 127 years prior to 1815, the English nation has been engaged in war 65 years, being more than half of the whole period, and at the enormous expense of 2,023,000,000 millions of pounds sterling, which in our currency amounts to more than ten thousand millions of dollars, while our own country since the termination of the war of the Revolution, which ended in placing the United States among the free and independent nations of the earth, has been engaged in one war only, which lasted only about three years, and cost the country less than \$90 millions of dollars. In this estimate the "federal fandango" in Florida, where the Seminole and the Aligator on the one hand, and the United States troops on the other, hold divided empire, (the former however having the lion's share) is entirely omitted, though that skirmish has cost the country some thirty millions of dollars. The young gentlemen who compose the Carroll county infantry, have not apprised the committee of any intention entertained by them—of volunteering their services to march to Florida and participate in that inglorious contest, nor can we ascertain that they took any decided part in the late celebrated Blackhawk war.

The exemption asked by them as a favor, if granted, might be claimed by the numerous other light infantry companies, throughout the state as a matter of right, and might result in producing in the State Treasury, what philosophers say all nature abhors—a perfect vacuum. Money is not only power; but it is the "sweat of the poor and the blood of the brave." When civil dudgeon runs high, and men seek the bubble reputation even in the cannons mouth, money feeds and cloths the soldier, and in these "piping times of peace," it will serve to pay the interest on our state bonds. Of the 130 thousand heads in Indiana subject to a poll tax, the committee would be the last to insinuate that the members of the Carroll county light infantry company have the only ones, that under an ad valorem system should be exempt from taxation. We therefore report the petition back to the House, and recommend that it be laid on the table, and ask to be discharged from the further consideration of the same.

The report was concurred in, and the committee discharged accordingly.

Mr. Robbins from the judiciary committee made the following report:

Mr. SPEAKER—

The committee on the judiciary to whom was referred a resolution of the House No. 25, instructing said committee to enquire into the expediency of amending the law concerning attachments, so as to give creditors, whose debts and claims may not be due, a remedy

against their absconding debtors, by process of attachment, have had the same under consideration and have directed me to report the following bill:

No. 192, a bill to amend an act entitled an act authorizing domestic attachments and regulating proceeding therein, approved January 19, 1831;

Which was read the first time and passed to a second reading on tomorrow.

Mr. Howe made the following report:

Mr. SPEAKER—

The committee on the judiciary to which was referred bill No. 95 of the House entitled a bill to provide for the selection of grand and petit jurors, having considered the same, have instructed me to report the same back with the following amendment, to-wit:

Strike out the bill from the enacting clause and insert the following:

Which was read and concurred in, when

Mr. Smydth of D., moved to amend the bill by adding the following proviso:

Provided that no motion to quash an indictment shall be sustained after the jurors shall have been sworn.

Mr. Champer moved to amend the amendment by adding the following:

On account of an illegality in the proceedings of the board doing county business, or the clerk of the court in the premises;

Which was accepted by Mr. Smydth and the amendment as amended, was adopted, and said bill and amendments ordered to be engrossed for a third reading.

Mr. Clark of T. made the following report:

Mr. SPEAKER—

The committee on education to whom was referred a communication from H. L. Ellsworth in relation to the recording of patents, with instructions to decypher the same, have according to order had the same under consideration, and have instructed me to report herewith a copy of the said communication. And also, that in their opinion any legislation upon the subject is inexpedient and they ask to be discharged from the further consideration thereof.

Which was read and concurred in and the committee discharged.

Mr. Clark of T. also made the following report:

Mr. SPEAKER—

The committee on education who by a resolution of the House, were instructed to enquire into the expediency of providing by law that in all cases where the qualified voters of any school district fail

or neglect to elect district trustees, that it shall be the duty of the school commissioner of the proper county to appoint trustees for such districts. The clerk of the township trustees is now authorized to appoint district trustees in cases where the voters fail to elect them, and the committee are of the opinion that this ought not to be changed and they ask to be discharged from the further consideration thereof.

Which was concurred in, and the committee discharged.

Mr. Sweetser, chairman of the committee on claims made the following report:

MR. SPEAKER:

The committee on claims, to whom was referred a resolution of the House, instructing them to enquire into the justice of allowing D. S. Majors, twenty-seven dollars, for nine days time and expenses lost and spent, in attending the committee on the state bank, during the month of January, 1840, have had the same under consideration, and have instructed me to report, that in the opinion of your committee, justice requires the allowance to be made, as the same per diem allowance was made to other witnesses in attendance before said committee, in the specific appropriation bill of 1840. Therefore,

*Resolved*, That the committee of ways and means be instructed to allow to the said D. S. Majors, the sum of twenty-seven dollars for said services and expenses, in the specific appropriation bill.

Which report and resolution were adopted.

Mr. Dowling from the committee on canals and internal improvements made the following report:

MR. SPEAKER—

The committee on Canals and Internal Improvements, to whom was referred the memorial of sundry citizens of Vigo county, in regard to the completion of that portion of the Cross-cut Canal, lying between the feeder dam and Terre-Haute, have had the same under consideration, and have directed me to

## R E P O R T :

As a classification of the works of Internal Improvement is now rendered necessary, not only by the condition of the state finances but also by the dictates of prudence, that portion of the Cross-Cut Canal embraced within the limits above described, from its advanced condition, and the smallness of the sum which it will require to complete it, has naturally presented itself to the committee as a work which should, and can be immediately rendered available. From the report of the Chief Engineer, now in possession of the members of this House, it will be seen that twenty-three sections have been reported as completed, and the remaining twenty-eight sections not finished. Most of the twenty-eight unfinished sections are very nearly completed. The to-

tal cost of this division is estimated at \$431,779, exclusive of superintendence and damages, of which \$357,480 has been performed, leaving \$77,299 as the sum required to render this division available.

It appears from the same report, that the opening of this division of improvement will create a valuable water power at Terre-Haute and its vicinity. The power at that point is estimated at thirty-seven pair of mill stones, excepting about two months in the driest season, during which there would be a scarcity of water. "The power at this point," says the report, "is much needed, and would doubtless soon be improved at an annual rent of \$150 per run of stones; amounting to \$5,550." In addition to this, there would be power sufficient for a good mill at each lock between Terre-Haute and a point ten miles out. This additional power has been estimated as equal to 38 pair of stones, which would ultimately be improved, though it would be less valuable than the power in town. Putting it at \$100 per run, it gives \$3,800, which added to the power at Terre-Haute, as above, makes a total income of 9,350 dollars, annually, for the water power of this portion of Canal."

This canal, it will be remembered, runs through a rich agricultural country, abounding in fine timber, stone and coal, insuring to its revenues a fair equivalent for the sum expended. A large sum has been already paid out for this improvement, amounting to 357,480 dollars, and when it is considered that the small expenditure of 80,000 dollars only is required to render this division of canal available. The committee have thought that but little diversity of opinion can prevail as to the propriety of its immediate completion. Entertaining these views a majority of the committee were decidedly of opinion that any classification of the public works recommended for the action of the House, should embrace this division of the Cross-Cut Canal in the first class. Besides the income which would be derived from its completion, it will be borne in mind that about three miles of the Wabash and Erie Canal, near its termination at Terre-Haute, will be supplied with water from Eel river, through the Cross-Cut, and that its necessary connection with that great work, (the speedy completion of which may be now anticipated) adds an additional argument in its favor.

The House will remember that, some weeks ago, a memorial was laid before this body, signed by sundry persons, acting in behalf of the citizens of Vigo, presenting a proposition for the completion of this small portion of the public works. This memorial prays, if the state should deem its prosecution inexpedient, at this time, on her own behalf, that the General Assembly authorize the issue of state bonds to the amount of \$80,000, for the final completion of this work, on the following conditions, viz: The fullest and most satisfactory *guaranty* to be given by a number of the citizens of Vigo county, to the acceptance of the board of public works, Fund Commissioners, Governor of the State, or any agent to be appointed by the state, that the rents arising from the water power and tolls on the line shall pay the interest on said bonds, and, in default thereof, that the deficit shall be promptly paid by the said guarantors.

This proposition, coming from individuals well known to be responsible for their contracts, has appeared to the committee to present a feasible plan for the completion of this canal. By the operation of legislative action, in this case, and the passage of a law in accordance with the prayers of the petitioners, your committee feel confident that no detriment can result to the interests of the State. The bonds of the State are to be issued, on the estimates, *as the work progresses*, and not in advance, as has been done, in some cases, by the General Assembly. This provision in the law will be a guaranty to the State that the bonds will not be diverted from their original object, nor can any speculations be made in their sale. They will be appropriated for a *bona fide* object, according to the intent of the law, a relative portion of the work being completed before the state is called upon for any advances. The petitioners also pledge themselves to make good the interest on said bonds, so that the state nor the people will be called on to pay any thing till the final redemption of the bonds, or till Indiana herself thinks proper to resume an entire control over the receipts and disbursements of its revenues.

As this is the only proposition yet made to the Legislature, where individuals are willing to *guaranty* to the State the interest on her bonds, the committee have thought it proper to present the subject to the House in a distinct form. If any portion of the public works are to be completed, it is scarcely to be expected that a more favorable occasion will be afforded to the Legislature. The small amount of work to be done—the smallness of the sum required to render the canal available—the water power and tolls to be brought into use, and the fact that the state is secured from taxation on this account—renders this experiment worth a trial by the legislature.

With these feelings, every member of the committee present, have directed the following bill to be laid before the House, and ask for it the favorable consideration of the members:

No. 193—A bill to provide for the completion of that portion of the Cross-Cut Canal, which lies between the feeder dam and Terre-Haute.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Shortridge, chairman of the committee on corporations, made the following report,

MR. SPEAKER—

The committee on corporations, to whom was referred bill No. 97 of the House, entitled, a bill to incorporate the Maumee and Wabash canal Company, have considered the same, and have made one amendment thereto, in which I am instructed to ask the concurrence of the House.

The amendment of the committee was read, concurred in, and the bill ordered to be engrossed for a third reading.

Mr. Bowers made the following report,



Mr. SPEAKER—

The committee on corporations to whom was referred a bill of the House, No. 133, to authorize Wm. Mumford to build a bridge across the Wabash river in the county of Wabash, have had the same under consideration, and have directed me to report the same back to the House without an amendment, and recommend its passage.

Said bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Farrington, chairman of the committee on the State Bank, made the following report:

Mr. SPEAKER—

The committee on the State Bank to whom was referred the communication of the President of the State Bank in relation to the forfeiture of lands mortgaged to the State for the non-payment of corporation taxes, have had the same under consideration, and directed me to report the following bill,

No. 194—A bill to protect lands mortgaged to the State from forfeiture for the non-payment of corporation taxes,

Was read the first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Cravens, a member thereof.

Mr. SPEAKER—

I am directed to inform the House of Representatives that the Senate has passed an engrossed bill thereof, entitled,

No 76—A bill to authorize the Associate Judges in the county of Ripley to hold a probate court.

In which the concurrence of the House of Representatives is respectfully requested.

No. 76, named in the message was read the first, second and third times (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

Mr. Smydth of D. made the following report,

Mr. SPEAKER—

The select committee to whom was referred the petition of Hamlet Sanford and others, have had the same under consideration, and agreed that I should report the following bill,

No. 195—A bill for the relief of the securities of Andrew Martin, collector of the state and county revenue for the year 1839,

Which was read three several times, the rules being suspended, and passed.

Ordered that the Clerk inform the Senate thereof

Mr Chiles made the following report,

MR. SPEAKER—

The select committee to whom was referred the memorial of John Lynch of Putnam county, have had the same under consideration, and have directed me to report the following bill,

No. 196—A bill for the benefit of John Lynch,

Was read the first time and passed to a second reading on to-morrow.

Mr. Chrisman made the following report,

MR. SPEAKER—

The select committee to which was referred the petition of sundry citizens of Boon county, praying for a review of a part of the state road leading from Indianapolis to Crawfordsville, and also a remonstrance on the same subject, have according to order had the same under consideration, and directed me to report the following bill, and recommend its passage.

No. 197—A bill to relocate a part of a state road in Boon county,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Runyan made the following report:

MR. SPEAKER,

The select committee to whom was referred the petition of sundry citizens of the town of Milford in Kosciusko county, asking the repeal of an act vacating a part of the town plat of Milford in said county, approved January the 22d, 1839, have had the same under consideration, and instructed me to report the following bill,

No. 198—A bill to repeal "an act vacating a part of the town of Milford, in the county of Kosciusko," approved January 22, 1839.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Read made the following report,

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Sullivan county, praying a relocation of the county seat of said county, have had the same under consideration, and directed me to report the following bill,

No. 199—A bill to relocate the county seat of Sullivan county,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Coffeen made the following report,

MR. SPEAKER—

The select committee to whom was referred a petition from sundry citizens of Blackford county, praying for territory to be attached to them, and also a petition from sundry citizens of Wells county, praying that a part of Wells county may be attached to Blackford county, having had the same under consideration, have instructed me to report the accompanying bill and recommend its passage.

No. 200—A bill to amend an act entitled "an act for the formation of the county of Blackford," approved Feb. 15, 1838.

Which was read the first time and passed to a second reading on to-morrow.

Mr. McCully made the following report,

MR. SPEAKER—

The select committee to whom was referred the petition of Zebulon Dyer and others, praying for the location of a certain state road, in Carroll county, have according to order had the same under consideration, and have directed me to report the accompanying bill in accordance with the prayer of said petitioners, and recommend its passage.

No. 201—A bill for the location of a state road in Carroll county,

Which was read the first time and passed to a second reading on to-morrow.

Mr. North offered for adoption the following preamble and resolution,

Whereas, The present session of this legislature is so far advanced that it will be impossible, in the opinion of this House, to do justice to much important business now before the House, and referred to the several standing committees, without greatly extending the length of the session, to the great injury to the finances of the state, in her present embarrassed situation. Therefore,

*Resolved*, That after the present week, the members of this House will try and condense their speeches, and restrict themselves to one half hour each. Also after Monday next, this House will hold three night sessions a week, the time to be selected and appointed by the Speaker; and that hereafter this House on its afternoon session, will adjourn to 8 o'clock instead of 9 each morning for the balance of the session; any rule of this House to the contrary notwithstanding.

On motion of Mr. Champer said preamble and resolution were laid on the table.

Mr. Henley made the following report:

MR. SPEAKER;

The committee to whom was referred the bill of the Senate No. 44, entitled an act to amend an act, entitled an act to provide for public printing, and for the distribution of the laws and journals, approved

February 16, 1839, in conformity with the instructions of the House,  
now

## REPORT

A bill fixing the prices of printing for the next three years at the following rates to-wit: per thousand ems of plain matter, 45 cents—figure work per thousand ems 65 cents—rule and figure work per thousand ems 80 cents. Press work per token common forms 45 cents—broad sides per token 60 cents—folding reports and bills for one thousand copies on each signature, (distinct tables to be considered as signatures) twelve and a half cents—stitching reports and bills per hundred copies 20 cents.

In the discharge of the duties assigned them, and in view of the importance of the subject, and of the fact that none but practical printers or those who have been engaged in the printing business, can judge correctly of the compensation proposed to be allowed by the instructions of the House. The committee have deemed it not inappropriate to give a brief history of the public printing of the state, as far back as they have been enabled to obtain correct information, together with the prices at which it has been performed. The difference between the compensation fixed in the bill of the Senate and the instructions of the House, and an explanation of the "terms" used in the bill, which are understood only by the "initiated" with such other information as may be calculated to throw light upon the subject, and enable the House to form correct opinions with regard to the bill of prices reported by the committee.

During the first three sessions of the Legislature at Indianapolis, Douglass and Maguire performed the public printing at 35 cents per 1000 ems for plain work, and 35 cents per token for press work. The next three years the work was done by Smith and Bolton at 25 cents per 1000 ems plain matter, and 35 cents per token for press work. For several of the next succeeding years, the public printing was divided among the publishers of the different newspapers at Indianapolis at prices ranging from 40 to 50 cents per 1000 ems of plain matter, and other work in proportion. About this time the amount of public printing was greatly increased by the passage of the bank bill, the Internal Improvement act, and the increase of business generally; and of course became an object of some importance, as well to the state as to the individuals engaged in the work. In 1837, a law was passed appointing Douglass and Noel printers to the Senate for one year, and Bolton and Livingston printers to House of Representatives for one year. And providing permanently for the election of printer to each House separately every three years, and fixing the compensation at 62½ cents per thousand ems plain work, 93¼ cents figure work, and \$1 25 rule and figure work, other work in proportion, see local laws of 1837, page 441, and acts of 1839 page 46. In 1838, Osborn and Chamberlain, were elected printers to the House, and Douglass & Noel continued as printers to the Senate. In 1840 the office of printer to the House was

declared by a resolution of the House of Representatives to be vacant, and of course led to an enquiry both by the Legislature and those persons who wished the employment in regard to the profits of the business. Accordingly on the day the House had agreed to go into the election of state printer, Messrs. Stacy and Williams submitted a proposition, in which they agreed in case the appointment should be given to them, to do the work at a bill of prices by them submitted, being a reduction of about 35 per cent. on the whole job. On journal of 1839-40, page 123, on page 127, John Livingston, by a member submitted a proposition, that in case of his election as public printer, the work should be performed at the rates proposed by Stacy and Williams' bill of prices if the Legislature should deem that a fair compensation. In accordance with this principle of reduction and retrenchment, it will be seen by reference to the 248th page of the local laws of 1840, that the Secretary of State was authorized to settle with the printers to Senate and House, at the rates proposed by Stacy and Williams. Thus firmly establishing the principles of reduction, but by a defect in the law, which has been explained during the present session, the Secretary settled with the printers to both Houses at the rates fixed by the act of 1840.

The reasons which it is believed influenced the Legislature three years ago, in increasing the prices of printing, were the increased expenses of living, and the increase of wages to journeymen. The state of the times having withdrawn hundreds of journeymen printers to other pursuits, for which their education and industrious habits had qualified them, and which the then "*good times*" had rendered more profitable. When, for instance the public printing was done for 25 cents per thousand ems, flour could be purchased in the Indianapolis market at \$1 50 per hundred, pork at the same price, and other articles of country produce in proportion. The wages of journeymen printers was from 5 to 6 dollars per week. In 1837, when the prices of printing were increased, flour sold in the same market at \$4 00 per hundred, pork at \$5 and 6 dollars per hundred, with a proportionate increase for other articles. The wages of journeymen printers about \$10 00 per week. The times now in many particulars are approximating to the old standard. It is then an auspicious period for reduction in the rates of printing, corresponding with that reduction which has taken place in all other branches of business.

There is one other reason which the committee believes, operates in favor of a reduction of the prices in 1837, the great mass of the public printing was ordered within a few weeks of the commencement of the session, compelling the public printer to engage a large number of workmen, and putting him at the mercy of the journeymen with regard to prices. Now a large portion of the printing is ordered in advance of the session, and hands are plenty and as the committee are informed, many are out of employment; nor will the reductions contemplated, operate as a reduction of the wages of journeymen printers. The labor can be done at the prices contemplated, without a reduction of the present wages of journeymen at Indianapolis; if the

whole printing of the state be given to one individual or firm, as is contemplated by the bill.

The committee though not themselves practical printers, have taken some pains to present the House such an explanation of the *terms* used by printers in the law, as will enable each member to judge for himself with regard to the competency of the prices proposed.

One thousand ems would occupy a space of one hundred lines. The width of ten lines, a page of the House journal, documents, &c. is 51 lines, and twenty-six lines will multiplying 26 by 51, the length and width of the page, give 1326, the number of ems on a page. The laws where there are side notes, contain about 1500 ems to the page. Bills, broadsides or tables are measured in the same way.

A token contains 250 copies or ten quires and a half of paper; which worked on both sides makes two tokens, so that a report of 8 pages when 250 copies are ordered counts one token press work, and 10,688 ems; 300 copies of same report would make two tokens, the composition is not effected by any number of copies—there is no such thing as fractional tokens. The House journal of last session contains about 900 pages or 1,193,400 ems which at 50 cents per thousand would cost about \$595 50 and at 45 cents, \$536 85—difference in favor of the amendment \$58 65. The difference in the Senate journal would be about \$40 00; in the local and general laws about \$60 00. In plain matter on reports to both Houses the difference would be about \$100 00, and in press work about \$200 00. There were last session about 500 pages of rule and figure work ordered by both Houses, which would make something like 663,000 ems—this at one dollar per thousand would cost \$663 00, at 80 cents it would be \$530 00 making a difference of \$132 00 in favor of the reduction proposed by the House. Add to this difference in figure work, composition on bills and other small orders, press work on the same &c, and the committee are of opinion it cannot be less than \$700 00 per annum, or \$2,000 00 for three years, at the lowest possible calculation. Many of the journeymen now engaged on the public printing work by the piece, and are earning about \$15 00 per week, and are not receiving higher wages than can be given by the reduction proposed. An ordinary weeks work is about 35,000 ems, which at 28 cents per thousand ems, the price which the committee are informed is now given, would be about \$9,80 or \$39 20 per month—about \$500 per year. Though, as has been before observed, many of them earn higher wages. Suppose the public printer allow 28 cents per thousand ems to his journeymen, the highest price now given at Indianapolis—it would leave to him a compensation for his capital and superintendence alone, because the state furnishes the materials, of \$5 95 on each weeks work of 35,000 ems. Upon a job like the journal of the House, containing 1,193,000 ems or thereabouts, the public printer would, exclusive of his journeymen's wages, receive as profit or pay for superintendence and capital \$214 75, besides press work. His profits upon the press work for the general laws, there being a large number of copies printed each year say 510 tokens would be about

\$100 00. The items here mentioned constitute but a small portion of the public printing, but they show conclusively that the public printer, the journeymen and all parties concerned will be allowed liberal profits and fair prices. The committee therefore recommend the adoption of the amendment and the passage of the bill.

Which amendment was read, when,

Mr. Clark of T. moved to amend the amendment made by the committee as follows:

Strike out the words "unless changed by law;"

Which amendment was adopted.

The question was then put.

Will the House concur in the amendment made by the committee as amended?

And the ayes and noes being demanded thereon by Messrs. Sweetser of M. and Smydth of D.

*Those who voted in the affirmative were,*

Messrs. Blankenship, Bowles, Brenton, Burton, Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of F., Cole, Coleman, Conner, Conwell, Dunbar, Durbin, Foote, Harding, Henley, Houghton, Jones, Kerr, Leslie, Lucas, McCoy, McCully, Miller Newell of F., North, Peck, Rawlings, Read, Ritchey, Rippey, Rose, Ross, Rulon, Runyan, Saylor, Schoonover, Shanks Shoup, Sloan, Standford, Sweetser of G., Sweetser of M., Walpole, and Wilson,—49.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bradberry, Brown, Burgess, Butler of C., Butler of V., Clark of T., Coffeen, Defrees, Dowling, Dunn, Farrington, Freeman, Goodenow, Hamer, Harrah Harrison, Hiatt, Howe, Jenckes, Kile, Lancaster, Mason, Montgomery of G., Montgomery of W., Morgan, Newell of W., Quick, Rayburn, Robbins, Russell, Shawhan, Shortridge, Smydth of D., Smith of F., Stratton, Terrell, Welch, and Mr. Speaker—42.

So said amendment, as amended, was concurred in.

The question was then put,

Shall said bill be read a third time?

And passed in the affirmative.

On motion of Mr. Freeman,

Bill No. 148, to amend an act for the regulation of the state prison, approved Feb. 17, 1838;

Was taken from the table and placed in the orders of the day.

The House then took up the orders of the day.

No. 171, an engrossed bill declaring a certain name therein a misprint and for other purposes;

Was read the third time, and

On motion of *Mr. Dowling*,  
 Was referred to a select committee of Messrs. Dowling, Burton,  
 Freeman and Smydth of D.,  
 On motion,  
 The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

The following message was received from the Senate by *Mr. Baird* of St. J., a member:

Mr. SPEAKER—

The Senate has passed an engrossed bill thereof, entitled,  
 No. 81, a bill to regulate the times of holding courts in the several  
 counties in the 9th judicial circuit;

In which I am directed to ask the concurrence of the House of Representatives.

No. 81, a bill to regulate the times of holding courts in the several  
 counties in the ninth judicial circuit;

Was read the first time and passed to a second reading on to-morrow.

No. 173, a bill to incorporate the trustees of the Daviess county  
 seminary;

No. 172, a bill to amend an act entitled an act to create the office  
 of private secretary to the Governor, approved Feb. 16, 1838;

No. 181, a bill to re-appropriate certain moneys therein named:

No. 114, a bill to authorize William L. M'Kinney, a minor, to sell  
 certain real estate therein named;

No. 116, a bill to extend to the settlers on the Wabash and Erie  
 canal lands, the benefits of an act for the relief of settlers on the Wa-  
 bash and Erie canal lands, approved Feb. 24, 1840;

No. 131, a bill for the relief of Edward H. Jacot;

Were severally read a third time and passed.

Ordered that the Senate be informed thereof.

No. 132, an engrossed bill to abolish capital punishment;

Was read a third time, when Mr. Mason moved that said bill be  
 indefinitely postponed.

And the ayes and noes being called for by Messrs. Standford and  
 Morgan.



*Those who voted in the affirmative were,*

Messrs. Blair, Butler of V., Byers, Carr, Casey, Clark of F., Clark of T., Cole, Conwell, Farrington, Foote, Goodenow, Hamer, Harrah, Mason, McCully, Montgomery of G., Newell of F., Newell of W., North, Peck, Quick, Rawlings, Ritchey, Ross, Russell, Saylor, Shortridge, Sloan, Terrell, and Wilson—31.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blankenship, Bowers, Bowles, Bradbury, Brenton, Brown, Burgess, Burton, Butler of C., Champer, Chiles, Chrisman, Clark of D., Coffeen, Coleman, Conner, Defrees, Dowling, Dunbar, Dunn, Durbin, Elkins, Freeman, Harding, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Leslie, Lucas, Miller, Montgomery of W., Morgan, Read, Rayburn, Rippey, Robbins, Rose, Rulon, Runyan Schoonover, Shanks, Shawhan, Shoup, Smydth of D., Standford, Stratton, Sweetser of G., Sweetser of M., Walpole, Welch, and Mr. Speaker—58.

So said bill was not indefinitely postponed.

The question then being put: Shall said bill pass? was decided in the affirmative.

Ordered, that the Senate be informed thereof.

Mr. Mason moved to suspend the previous orders of business, and go into committee of the whole on bill No. 100;

Which motion did not prevail.

No. 137, an engrossed bill to provide for the assessment and collection of the State revenue for the county of Spencer in the year 1837; and also in the county of Cass, due for the year 1839;

Was read the third time, and,

On motion of Mr. Butler of C.,

Was recommitted to a select committee consisting of Messrs. Butler of C., Jones, and Sweetser of M., with the following instructions:

To amend so as to make it the duty of the clerks of the said counties, to furnish the collectors of their respective counties, the lists of assessments made for the years in which said delinquencies occurred, and to make it the duty of the collectors for the year 1841, to collect on said assessment the sum of fifteen cents on each hundred dollars so assessed.

No. 146, an engrossed bill concerning petit jurors, in certain cases;

Was read the third time and passed.

No. 40, an engrossed bill of the Senate, to incorporate the Princeton musical institute;

Was read the third time and passed.

No. 130, an engrossed bill to extend the benefits of an act entitled

an act to incorporate the Marion Fire Engine Company, approved Jan. 20th, 1838;

Was read the third time and passed.

No. 129, an engrossed bill for the incorporation of the Bristol manufacturing company;

Was read the third time and passed.

No. 143, an engrossed bill to incorporate the Greensburg steam-mill and manufacturing company, in Decatur county;

Was read the third time and passed.

Mr. Runyan moved to take from the table a bill,

No. 82, a bill entitled an act defining the duties of petitioners for locating seats of justice, and for other purposes;

Which was read the third time and passed.

Ordered, that the Senate be informed thereof.

Mr. Cole moved to take from the table a bill,

No. 26, a bill to amend an act entitled an act to incorporate the Lawrenceburgh bridge company;

Which was read the third time and passed.

Ordered, that the Senate be informed thereof.

Mr. Rulon moved to take from the table a bill,

No. 155, a bill for the re-location of the seat of justice in Blackford county;

Which motion prevailed, and said bill was ordered to be engrossed and read the third time to-morrow.

No. 28, an engrossed bill of the Senate, to amend an act to incorporate the town of Laporte, approved Feb. 18, 1839;

Was read the second time and referred to the committee on Corporations.

No. 31, an engrossed bill of the Senate, to authorize the Governor of this State to order a special election for representatives in Congress;

Was read the second time, when,

Mr. Sweetser of M., moved to strike out "first day of September," and insert "the first day of August next."

Which motion was adopted.

Mr. Dunn moved to re-commit to a select committee;

Which motion was lost.

Mr. Bowles moved to amend to strike out that part which says the members elected shall serve for the 27th Congress;

Which motion was lost, and said bill was ordered to be engrossed for a third reading on to-morrow.

No. 38, a bill of the Senate, further to regulate the duties of clerks, justices of the peace, and school commissioners;

Was read the second time, when,

Mr. Clark of T., moved the following amendment:

"By him loaned out, and the interest distributed for the support of schools."

Which amendment was adopted, and said bill, as amended, was ordered to be engrossed for a third reading on to-morrow.

No. 59, an engrossed bill of the senate, to repeal part of an act entitled an act relative to the New-Albany and Vincennes M'Adamized road, and for the better regulation thereof, and for other purposes, approved Februruary 22th, 1840;

Was read the second time, when,

Mr. Bowles moved its indefinite postponement.

Which motion was decided in the negative, and said bill was ordered to be read a third time to-morrow.

A bill of the Senate, No. 72, an act to fix the time of holding probate courts in Fayette county;

Was read the second time and ordered to a third reading on to-morrow.

No. 148, a bill to amend an act for the regulation of the State prison, approved Feb. 17th, 1838;

Was read the second time, and,

On motion of Mr. Freeman,

Referred to the committee of the whole, and made the order of the day for to-morrow.

No. 178, a bill to provide for the redemption of Treasury notes now in circulation, and for the payment of contractors on the Wabash and Erie canal;

Was read the second time, when,

Mr. Jenckes moved the following amendment:

"Bonds to run 25 years, with the privilege reserved to the State, to redeem them after the expiration of five years;" when,

On motion of Mr. Sweetser of M.,

Said bill and amendment were committed to a committee of the whole House, and made the order of the day for to-morrow.

No. 179, to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State;

Was read the second time and committed to the committee of Ways and Means.

No. 180, a joint resolution relative to the destruction of the statutes of Dubois county;

Was read a second time and ordered to be engrossed for a third reading.

No. 182, a bill to confirm to John & Comegys certain water power therein named;

Was read the second time and committed to the Judiciary committee.

No. 183, a bill to amend an act subjecting real and personal property to execution;

Was read the second time, and,

On motion of Mr. Champer,

Laid on the table.

No. 184, a bill to amend an act entitled an act subjecting real and personal estate to execution, approved Feb., 1831;

Was read the second time and ordered to be engrossed for a third reading.

On motion of *Mr. Smith of F.*,

Bill No. 25, to amend an act subjecting real and personal estate to execution, approved February 4th, 1831, [was taken from the table.]

*Mr. Walpole* moved to amend the bill by adding the following proviso:

“*Provided*, There shall not be issued more than one *capias ad satisfaciendum* on any such judgment.”

Which amendment was adopted;

And said bill and amendment were committed to the committee on the Judiciary.

On motion of *Mr. Jones*,

The vote taken heretofore on the third reading of bill

No. 36—An engrossed bill of the Senate for the relief of *John Brookbank* of *Carroll county*,

Was reconsidered, and committed to the committee on claims.

No. 185—A bill declaring *Patoka* a public highway and for other purposes,

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

No. 187—A bill to authorize *Obediah Jones* to build a mill dam across the *Mississineway* river, in the county of *Grant*,

Was read the second time and ordered to be engrossed.

No. 188—A bill defining the duties of supervisors in road districts through which the *Michigan* road passes,

Was read the second time and committed to the committee on roads,

No. 189—A bill in relation to school moneys deposited with the superintendent of the loan office,

Was read the second time, and,

On motion of *Mr. Clark of T.*,

Was laid on the table.

No. 190—A bill to amend the 17th section of “An act to provide for a general system of Internal Improvements,” approved January 27th, 1836,

Was read the second time and ordered to be engrossed for a third reading,

No. 191—A joint resolution relative to the public domain,

Was read the second time, when,

*Mr. Henley* moved to recommit said joint resolution a select committee;

Which motion did not prevail.

When, said bill was ordered to be engrossed for a third reading on to-morrow.

The following message from the Senate, by *Mr. Maguire*, their Secretary:

MR. SPEAKER:

I am instructed by the Senate to inform the House of Representa-

tives that the Senate has passed, without amendment, a bill of the House of Representatives, entitled,

No. 195—An act for the relief of the securities of Andrew Martin, Collector of the State and county revenue of Daviess county for the year 1839.

The Senate has concurred in the amendment of the House to the bill of the Senate, entitled,

No. 3—An act to equalize the judicial circuits in the State of Indiana, and for other purposes.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared the engrossed with the original bills of the House, as follows:

No. 129—To incorporate the Bristol Manufacturing Company.

No. 130—To extend the benefits of an act entitled "an act to incorporate the Marion Fire Engine Company," approved January 20, 1838.

No. 143—To incorporate the Greensburgh Steam Mill and Manufacturing Company, in Decatur county,

And find the same correctly engrossed.

Mr. Butler of C. made the following report,

MR. SPEAKER—

The joint committee on enrolled bills report; that they have compared the enrolled with the engrossed bill of the Senate of the following title, and find the same duly enrolled, to-wit:

No. 48—An act to secure to the owners of land upon which the public works have been suspended the use of the same.

MR. SPEAKER—

The joint committee on enrolled bills report; that they have compared the enrolled with the engrossed bill of the House, of the following title, and find the same duly enrolled, to-wit:

No. 195—An act for the relief of the securities of Andrew Martin, collector of the state and county revenue of the county of Daviess, for the year 1839.

Also, bill No. 3 of the Senate—An act to equalize the judicial circuits of the State of Indiana, and for other purposes.

On motion,

The House adjourned until to-morrow morning 9 o'clock.

SATURDAY, JAN. 16th, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maguire their Secretary.

Mr. SPEAKER;

The Senate has passed engrossed bills of the House of Representatives entitled as follows:

No. 69, an act to incorporate the Laughery bridge company; and  
No. 145, an act to distribute the school funds, and for other purposes in Perry county.

The last named without amendment, and the first named with one amendment, in which the concurrence of the House of Representatives is respectfully requested.

The amendment to No. 69, was read; when

Mr. Cole moved that the bill and amendment be laid on the table;

Which motion did not prevail; when

On motion of Mr. Sweetser of M.,

Said bill and amendment were laid on the table.

#### PETITIONS WERE PRESENTED

By Mr. Schoonover, of William Perdue late collector of Washington county;

Which was referred to the committee of ways and means.

By Mr. Chiles, of George Owens;

Which was referred to the committee on Canals and Internal Improvements.

By Mr. Blankenship, of sundry citizens of Morgan county;

Which was referred to the committee on roads.

By Mr. Read of the citizens of New Albany and Jeffersonville, concerning the Jeffersonville and Lafayette road;

Which was referred to the committee on Canals and Internal Improvements.

By Mr. Ritchey, of James and Thomas Nance, contractors on the public works;

Which was referred to the committee on Canals and Internal Improvements.

Mr. Atherton from the committee on elections, made the following report:

Mr. SPEAKER;

The committee on elections, to whom was referred the certificate of George G. Shoup, have had the same under consideration, and have directed me to report that he is duly elected, and entitled to a seat as a member of this House from the county of Franklin.

Which was read and laid upon the table.

Mr. Brenton from the judiciary committee, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a bill of the House No. 176, entitled, an act to amend an act for the relief of John Rodolph Fischli, approved February 18, 1839; have had the same under consideration, and directed me to report the same back to the House, and recommend its passage;

Said bill No. 176, was ordered to be engrossed for a third reading.

On motion of Mr. Schoonover,

The petition and report on the petition of William Perdue, was taken from the table, and referred to the committee of ways and means.

Mr. Sweetser of Marion, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary to whom was referred the report of the Vernon Savings Institution; have had the same under consideration, and directed me to make the following report:

By the charter of that Institution, it is made their duty annually to lay before the General Assembly their operations. That was no doubt designed to inform the Representatives of the people, of the utility of such corporations. It appears by their report, that the capital stock is \$34,350, and for that stock they hold the notes of the stock holders for the sum of \$26,290, eight thousand and sixty dollars then have been paid in, which constitutes their capital. The profits from the 5th day of July 1838 to the 1st Jan. 1841 are \$2,233 21, which is \$1,488 61 per year, making 18½ per cent. The deposits are \$215, and cash on hand \$43 46. If the depositors call for their money, the Savings Institution must stop speciepayment, unless they borrow a couple of hundred dollars of some neighbor. The great benefit then derived from such institutions is to enable the stock holders to make eight and one half per cent. above the highest rate of legal interest, which is respectfully submitted.

Which was laid upon the table.

Mr. Sweetser of Marion, from the committee on the judiciary made the following report;

MR. SPEAKER—

The committee on the judiciary to whom was referred the petition of David Nevitt and others, bill No. 108 of this House, entitled, a bill for the relief of debtors to the State, and also a report of the Treasurer of State, exhibiting the names of the debtors to the State on account of the Lawrenceburg and Indianapolis rail road, the amount due by each and description of the Lands mortgaged by each, have had the same under consideration, and directed me to make the following

### REPORT :

That by the report of the Treasurer, two of the petitioners, to-wit—David Nevitt and C. S. Stevenson, are not debtors to the State on account of said rail road. Of the seven other petitioners, John P. Dunn owes eleven thousand eight hundred and fifty dollars, secured by four several mortgages; Jesse Laird four thousand dollars, secured by one mortgage; Daniel S. Major two thousand and one hundred dollars, secured by four several mortgages; George Tousey, nineteen thousand and one hundred dollars, secured by eight several mortgages; David Guard twelve thousand dollars, secured by two several mortgages; Enoch D. John twelve thousand eight hundred and thirty dollars, secured by two several mortgages; and Omer Tousey twenty-one thousand three hundred and fifty dollars; making in the whole eighty-three thousand two hundred and thirty dollars, bearing interest at five and one-eighth per cent. From the best information the committee have been able to obtain, the lands mortgaged are not worth the amount for which they are mortgaged. The amounts of most of the petitioners being secured by several mortgages, it does not seem to the committee that they can have much use for the relief proposed, unless it be to dispose of those worth more than the amount for which they are mortgaged, and leave to the State those worth less. Large tracts of poor lands in the counties of Ripley, Clay, Owen, Perry and Knox, were entered at Government prices, and mortgaged at three or four times that amount. One gentleman in Dearborn county obtained eighteen thousand dollars and mortgaged one hundred and twenty-nine acres of land, at the rate of one hundred and forty dollars per acre. If the prayer of the petitioners were granted, much confusion must be occasioned in the mortgages and books of the Treasurer, and the debts endangered, a considerable part of which the committee think will be ultimately lost to the State. They therefore recommend that said bill be indefinitely postponed.

Which report was concurred in, and said bill was indefinitely postponed accordingly.

Mr. Howe made the following report,



Mr. SPEAKER—

The committee on the judiciary to which was referred bill No. 144, of the House, entitled, "an act to amend the act subjecting real and personal property to execution," having considered the same, have instructed me to report the same back and recommend that it be stricken out from the enacting clause.

And the House refused to concur in said report,

And on the question, shall the bill be engrossed for a third reading,

It was decided in the negative.

Mr. Walpole, from the judiciary committee, made the following report:

Mr. SPEAKER—

The judiciary committee to whom was referred bill of the House of Representatives, No. 177, entitled, an act for the relief of owners of Indian Reservations, have according to order had the same under consideration, and instructed me to report the same back to the House and recommend the following amendments, to-wit:

Strike out of the fifth line of the first section of said bill the words "school commissioners" and insert "the collector of state tax for the year 1841.

And amend as follows after the 12th line of the first section; "The said collector shall pay over to the Treasurer of State all such taxes that may be so collected."

In which the concurrence of the House is requested.

Which amendments were concurred in, and the bill was ordered to be engrossed for a third reading.

Mr. Smith of Fayette made the following report and accompanying bill,

No. 202—To classify the public works,

Was read the first and second times, the rules having been suspended, and bill and report was laid upon the table, and two hundred copies of the bill and five hundred copies of the report were ordered to be printed.

Mr. Elkins made the following report:

Mr. SPEAKER:

The committee on Corporations to whom was referred bill of the House of Representatives. No. 128, entitled an act to incorporate the Euterpean band of South-Bend, have according to order, had the same under consideration, and instructed me to report the same back with one amendment, to which the concurrence of the House is requested.

Which amendment was concurred in, and that and the bill ordered

to be engrossed for a third reading.

Mr. Coffeen made the following report:

MR. SPEAKER:

The committee on Corporations to whom was referred the bill to incorporate the town of Carlisle, in Sullivan county, have had the same under consideration and directed me to report the same back to the *House* without amendment, and recommend its passage.

Which was ordered to be engrossed for a third reading on to-morrow.

Mr. Mergan, from the minority of the modification committee, made the following report, accompanied by bill No. 203, to modify the system of Internal Improvements.

Which bill and report were laid upon the table, and two hundred copies of the bill, and five hundred copies of the report, were ordered to be printed.

On motion of Mr. Dowling,

Two hundred copies of the bill to modify the public works, introduced by Mr. Jones, from the committee on modification, were ordered to be printed.

Mr. Bowles made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Azer Charles, of the county of Orange, praying relief, have had that subject under consideration, and directed me to report the following bill, in accordance with the prayer of the petitioner.

Bill No. 204, for the relief of Azer Charles, was read the first time and passed to a second reading on to-morrow.

The House then proceeded to the orders of the day.

No. 38, of the Senate, a bill further to regulate the duties of clerks, justices of the peace, and school commissioners;

Was read the third time, and the question being, Shall said bill pass?

And the ayes and noes being demanded by Messrs. Sweetser of M. and Jenckes,

*Those who voted in the affirmative were,*

Messrs. Atherton, Bowers, Bowles, Bradbury, Brenton, Butler of V., Chrisman, Clark of T., Coffeen, Dowling, Dunn, Durbin, Elkins, Houghton, Jones, Kile, Lancaster, M'Crillis, Miller, Rayburn, Russell, Saylor, Shawhan, Shortridge, Smith of F., Stanford, Welch, and Wilson

*Those who voted in the negative were,*

Messrs. Ball, Blair, Blankenship, Brown, Burgess, Burton, Butler of C., Byers, Carr, Casey, Chiles, Clark of D., Cole, Conner, Defrees, Dunbar, Farrington, Foote, Goodenow, Hamer, Harding, Harrah, Harrison, Henley, Hiatt, Howe, Jenckes, Kerr, Leslie, Lucas, M'Culley, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Peck, Quick, Rawlings, Read, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Schoonover, Shanks, Shoup, Sloan, Smydth of D., Sweetser of G., Sweetser of M., Terrell, and Mr. Speaker—56.

So said bill did not pass.

Bills No. 31, of the Senate to authorize the Governor of this State to order a special election for representatives in Congress, with the amendment made thereto in the House;

Was read the third time and passed.

Ordered, that the Senate be informed thereof.

No. 44, of the Senate, to amend an act entitled an act to provide for public printing, and for the distribution of the laws and journals, approved Feb. 16, 1839;

Was read the third time, and,

On motion of Mr. Houghton,

Re-committed to a select committee of Messrs. Houghton, Chiles, and Terrell.

Bills No. 59, of the Senate, to repeal part of an act entitled an act relative to the New-Albany and Vincennes M<sup>d</sup>Adamized road, and for the better regulation thereof, and for other purposes, approved February 22d, 1840;

No. 72, a bill to fix the time of holding the probate court in Fayette county;

No. 95, a bill to provide for the selection of grand and petit jurors;

No. 97, a bill to incorporate the Maumee and Wabash canal company;

No. 133, a bill to authorize Wm. Munford to build a bridge across the Wabash river, in the county of Wabash;

No. 180, an engrossed joint resolution relative to the destruction of the statutes of Dubois county;

No. 155, a bill for the re-location of the seat of justice in Blackford county;

No. 184, a bill to amend an act entitled an act subjecting real and personal estate to execution, approved February 4, 1831;

No. 185, a bill, engrossed, declaring Patoka a public highway, and for other purposes;

No. 187, an engrossed bill to authorize Obediah Jones to build a mill-dam across Mississinaway river, in the county of Grant;

No. 190, an engrossed bill to amend the 17th section of an act to provide for a general system of Internal Improvements, approved January 27th, 1836;

Were severally read the third time and passed.

Ordered, that the Clerk inform the Senate thereof.

No. 191, a joint resolution relative to the public domain, was read the third time;

And the question being: Shall said joint resolution pass?

And the ayes and noes being demanded thereon by Messrs. Dunn and Clark of D.,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bradbury, Brenton, Brown, Burgess, Butler of C., Butler of V., Chiles, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hamar, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, M'Crillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Peck, Quick, Rawlings, Rayburn, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Welch, Wilson, and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Bowles, Burton, Byers, Carr, Casey, Chrisman, Clark of F., Dunbar, Graham, Lucas, M'Culley, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, Shanks, and Shoup—19.

So said joint resolution passed.

Ordered, that the Senate be informed thereof.

BILLS ON THE SECOND READING.

No. 34, a bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838;

Was read the second time and committed to the Judiciary committee.

No. 192, a bill to amend an act entitled an act authorizing domestic attachments, and regulating proceedings therein, approved January 19, 1831;

Was read the second time and ordered to be engrossed for a third reading on Monday next.

No. 194, a bill to protect lands mortgaged to the State from forfeiture for the non-payment of corporation taxes;

Was read the second time and ordered to be engrossed.

No. 195, a bill to provide for the completion of that portion of the Cross-Cut canal between the Feeder-dam and Terre-Haute;

Was read the second time and committed to the committee on Canals and Internal Improvements.

No. 196, a bill for the benefit of John Lynch;

Was read the second time and committed to the committee on Claims.

No. 197, a bill to re-locate a part of a State road in Boon county;

Was read the second time and referred to the committee on Roads.

No. 198, a bill to repeal an act vacating a part of the town of Milford, in the county of Kosciusko, approved January 22nd, 1839;

Was read the second time and ordered to be engrossed for a third reading on Monday next.

No. 199, a bill to relocate the county seat of Sullivan county;

Read a second time, and ordered to lay on the table.

No. 200, a bill to amend an act for the formation of the county of Blackford, approved Feb. 15, 1838;

Read a 2d and 3d times, rules suspended and passed.

Ordered the clerk inform the Senate thereof.

No. 201, a bill for the location of a state road in Carroll county;

Read a 2d time and committed to committee on roads.

No. 81, a bill to regulate the times of holding courts in the several counties in the ninth judicial circuit;

Was read the 2d time, when,

*Mr. Rippey* moved the following amendment:

After the word *Elkhart*, strike out the words on the Mondays succeeding the courts in the county of Kosciusko, and insert the following:

On the fourth Mondays of *May* and first Mondays of *November*;

Which amendment was not adopted:

Whereupon the rules were suspended, the bill was read 3d time and passed.

Ordered the clerk inform the Senate thereof.

On motion,

The *House* adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

The House met pursuant to adjournment.

And on motion of *Mr. Graham*,

The previous orders of the day were suspended, and the House resolved itself into committee of the whole, *Mr. Jones* in the chair, and went into the consideration of bills No. 160 to 166 inclusive.

After some time spent therein, the committee rose and the chairman reported that they had had said bills under consideration and made

some progress therein, but not having time to go through therewith had directed him to ask leave to sit again;

Which leave was granted.

On motion of Mr. Blair,

Bill No. 69 to authorize the building of a bridge across Laughery creek, in Ripley county;

Was taken from the table, when

Mr. Cole moved to concur in the amendment of the Senate with an amendment, which was by adding an additional section to said bill,

Which was read and concurred in by the House.

Leave being granted, bills of the following titles were introduced;

By Mr. Walpole, No. 205, defining the manner of electing Senator and Representatives in the counties of *Madison* and *Hancock*;

Which was read the first time and passed to a second reading on Monday next.

By Mr. Ball, No. 206, to amend an act entitled an act to incorporate the Liverpool bridge company;

Which was read the first and second times, (rules being suspended) and committed to the committee on corporations.

By Mr. Shoup, No. 207 a bill to incorporate the trustees of parsonage of Brookville circuit M. E. Church;

Which was also read the first and second times, (rules being suspended) and committed to the committee on corporations.

Mr. Shanks made the following report:

Mr. SPEAKER—

The committee on engrossed bills have compared the engrossed with the original bills of the following titles:

No. 95, to provide for the selection of grand and petit jurors.

No. 97, to incorporate the Maumee and Wabash canal company.

No. 133, to authorize Wm. Mumford to build a bridge across the Wabash river in Wabash county.

No. 180, a joint resolution relative to the destruction of the statutes of Dubois county.

No. 184, to amend an act entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1831.

No. 185, declaring Patoka a public highway, and for other purposes.

No. 187, to authorize Obadiah Jones to build a mill dam across the Mississineway river in grant county.

No. 155, for the relocation of the seat of justice in Blackford county.

No. 191, a joint resolution relative to the public domain.

No. 190, to amend the 17th section of an act to provide for a general system of internal improvements, approved Jan. 27, 1836.

And find the same correctly engrossed.

Mr. Butler of C. made the following report:

Mr. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the Senate of the following title, and find the same duly enrolled, to-wit:

No 76—An act to authorize the Associate Judges in Ripley county to hold a probate court.

Mr. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the Senate, of the following title and find the same duly enrolled, to-wit:

No. 45—an act for the apportionment of Senators and representatives of the general assembly of the State of Indiana.

On motion,

The House adjourned until Monday morning, 9 o'clock.

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MONDAY, JAN. 18, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maquire their Secretary:

Mr. SPEAKER;

I am instructed to inform the House of Representatives, that the Senate has adopted the following resolution, viz:

*Resolved*, That the Senate will, (the House of Representatives concurring therein) adjourn *sine die* on Monday the first day of February next.

Which resolution, on motion of Mr. Smydth of D.,

Was laid on the table.

The following message was received from the Senate by Mr. Eliott, a member thereof:

Mr. SPEAKER;

I am instructed to inform the House of Representatives, that the Senate has passed an engrossed bill thereof entitled:

No. 60, an act to incorporate the Indiana Iron Manufacturing company;

In which the concurrence of the House of Representatives is respectfully requested.

Said bill No. 60, named in the message, was read the first and second times, (the rules being suspended) and committed to the committee on corporations.

The following message was received from the Senate by Mr. Maguire their Secretary.

MR. SPEAKER;

The Senate has passed engrossed bills of the House of Representatives, entitled as follows viz:

No. 36, an act for the relief of the children of Walter Slaughter;

No. 79, an act to prohibit the making, issuing or circulating small notes or bills;

No. 96, an act to vacate a part of the town of Bowling Green, in Clay county;

No. 106, an act to authorize probate judges to issue writs of habeas corpus, and proceed to trial thereon;

No. 104, an act to authorize Thomas S. Hinde to establish a Ferry therein named;

No. 122, a joint resolution relative to the election of President and Vice President of the United States;

No. 147, an act to repeal the 103d section of an act therein named, so far as relates to Perry county;

All without amendment except No. 79, to which the Senate has made two amendments, in which I am directed to ask the concurrence of the House of Representatives.

The Senate has also passed engrossed bills, and an engrossed joint resolution thereof entitled as follows, viz:

No. 63, in relation to tolls upon the public works in Indiana;

No. 68, to authorize the board doing county business in Switzerland county, to establish a toll bridge over Indian creek in said county;

No. 69, relative to officers of state, and the Governor's house;

No. 75, to locate a certain state road therein named;

No. 77, for the creation of a school district therein named;

No. 79, to authorize school commissioners to refund money in certain cases therein named;

No. 95, regulating the time of holding courts in the first judicial circuit;

In which several bills of the Senate the concurrence of the House of Representatives is respectfully requested.



No. 16, a joint resolution of the Legislature of the state of Indiana, on the subject of the public lands of the United States.

The House concurred in the first amendment of the Senate, made to bill of the House No. 79.

The second amendment of the Senate was as follows: "Provided however, that nothing in this act shall be so construed, as to authorize the State Bank of Indiana or any branch thereof, to issue any bill of a less denomination than five dollars;" when

Mr. Smith of F. moved that the House disagree to said second amendment of the Senate,

Upon which the ayes and noes were demanded by Messrs. Bowles and Henley;

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bradbury, Brenton, Brown, Burgess, Butler of C., Butler of V., Chiles, Coffeen, Cole, De-frees, Dowling, Dunn, Durbin, Farrington, Foote, Goodenow, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kurr, Kile, Lancaster, Leslie, Miller, Montgomery of W., Montgomery of G., Newell of W., North, Quick, Rawlings, Rayburn, Rose, Runyan, Russell, Shawhan, Shortridge, Sloan, Smith of F., Stanford, Sweetser of G., Terrell, Walpole, Wilson and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Bowers, Bowles, Byers, Carr, Casey, Chrisman, Clark of D., Clark of F., Clark of T., Conwell, Dunbar, Graham, Henley, Lucas, M'Coy, M'Crillis, M'Cully, Morgan, Newell of F., Peck, Read, Ritchey, Rippey, Ross, Rulon, Saylor, Schoonover, Shanks, Shoup, Stratton and Sweetser of M.—31.

So the House disagreed to said second amendment;

Ordered that the Clerk inform the Senate thereof.

Bills of the Senate Nos. 16, 63, 68, 69, 75, 77 and 79 were read the first time, and ordered to a second reading.

No. 95, named in the message was read the first and second times, (the rules being suspended) and committed to a select committee of Messrs. Montgomery of W., Kile, Wilson and Newell of W.

Mr. Sweetser of M., asked and obtained leave to introduce a bill No. 208, to amend an act, entitled an act to fix the times of holding courts in the fifth judicial circuit, approved Jan. 30th, 1840.

Which was read three several times; (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

On motion of Mr. Jenckes,

The previous order of business was suspended, and the House went into committee of the whole, and resumed the consideration of bills No. 160 to 166 inclusive, concerning the revenue, Mr. Graham in the chair.

After some time spent therein, the committee rose, the chairman reported that they had according to order, had said bills under consideration, and had directed him to report that they had made some progress therein, but not having time to go through with all, have directed him to report progress, and ask leave to set again.

Which motion was granted by the House.

On motion,

The House adjourned until 2 o'clock, P. M.

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*2 o'clock, P. M.*

The House met pursuant to adjournment.

And on motion of Mr. Jenckes,

Again went into committee of the whole on bills No. 160 to 166 inclusive, Mr. Stanford in the chair,

And after some time spent therein, the committee rose, and the chairman reported that they had made some further progress therein, but not having time to go through with all, had directed him to report progress, and ask leave to sit again;

Which leave was granted by the House; which,

On motion, then adjourned until to-morrow morning 9 o'clock.

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TUESDAY, JANUARY 19th, 1841.

The House met pursuant to adjournment.

A message was received from the Senate by Mr. Elliott, a member:

MR. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof, entitled, No. 70—An act to amend an act entitled “an act to incorporate the

town of Newcastle in the county of Henry, approved February 6th, 1839."

In which the concurrence of the House of Representatives is respectfully requested.

Bill No. 70, in the message,

Was read the first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Maquire, their Secretary:

Mr. SPEAKER—

The Senate has concurred in the amendment of the House of Representatives to the amendment of the Senate to the bill of the House, No. 69, to incorporate the Laughery Bridge Company.

The Senate has also passed an engrossed bill of the Senate, entitled,

No. 78—An act to amend the act authorizing the seizure of boats and other vessels for debt, approved Feb. 17, 1838.

In which the concurrence of the House of Representatives is respectfully requested.

Said bill No. 78, was read the first time and passed to a second reading.

The Speaker laid before the House a communication from Milton Stapp, Esq., Fund Commissioner,

Which was read and referred to the committee on the Canal Fund.

#### PETITIONS PRESENTED.

By Mr. Judah, from sundry citizens of Knox county, in reference to the road law,

Which was referred to the committee on roads.

By Mr. Leslie, from sundry citizens of Harrison county, concerning a state road;

Which was referred to the same select committee to which a petition on the same subject was referred.

By Mr. Kile, from sundry citizens of Vermillion county, in reference to a state road,

Which was referred to a select committee of Messrs. Kile, Russell, and Foote.

By Mr. Chiles, from sundry citizens of Putnam county, concerning the change of a state road,

Which was referred to a select committee of Messrs. Chiles, Harrah, and Coleman.

By Mr. Leslie, from sundry citizens of the town of Corydon, concerning a re-survey of the town plat of said town,

Which was referred to a select committee of Messrs. Leslie, Shanks, and Read.

By Mr. Rulon, from sundry citizens of Huntington county, praying the relocation of the county seat of said county,

Which was referred to a select committee of Messrs. Rulon, Ross, and Peck.

By Mr. Burton, from citizens of Clay county, asking an extension of the time for payment of moneys borrowed from the Sinking Fund,

Which was referred to the committee of the whole House to which bill No. 100 was referred.

By Mr. Jenckes, a memorial of John Donalson and others, praying for the passage of a law to suppress quackery in the practice of medicine.

Which was referred to the committee on Education.

By Mr. Ball, of Jesse Morgan and others, praying for further time to complete a certain bridge across Grand Calumut river in Lake county,

Which was referred to the committee on corporations.

Mr. Atherton, chairman of the committee on Elections, made the following report:

Mr. SPEAKER—

The committee on Elections to whom was referred a petition, No. 6 from the citizens of Kosciusko county, relative to electing prosecutors in the several counties in this State, have had the same under consideration according to order, and have directed me to report it inexpedient to legislate on at the present, and ask leave to be discharged from the further consideration of said petition.

The report was concurred in and the committee discharged.

Mr. Jenckes, chairman of the committee of ways and means, made the following report:

Mr. SPEAKER—

The committee of ways and means, to whom was referred two resolutions of the House, relative to the surplus revenue, have had the same under consideration, and instructed me to report them back, and inasmuch as a bill has been reported by the Bank committee on that subject, to ask to be discharged from the further consideration of the same.

Which was concurred in and the committee discharged.

Mr. Dunn made the following report:

Mr. SPEAKER—

The committee on ways and means, to whom was referred the pe-

tion of Charles Tavbridge and others, on the subject of an amendment to the 15th section of an act pointing out the mode of levying taxes, &c., have had the same under consideration and have directed me to report that the desire and prayer of the petition is fully provided for, in the several bills now before the House on the subject of assessing, collecting and disbursing the revenue; hence further legislation on the subject is unnecessary.

Mr. Dunn made the following report,

MR. SPEAKER—

The committee on ways and means to whom was referred four several resolutions, No. 3, 23, 56, &c., all in relation to the levying, assessing and collecting the revenue, have had the same under consideration, and have directed me to report, that the different subjects of inquiry therein contained, is fully met and provided for in the new system of assessing, collecting, and disbursing the revenue, before the House and beg to be discharged from their further consideration.

Said report was concurred in and the committee discharged.

Mr. Rulon made the following report,

MR. SPEAKER—

The judiciary committee to whom was referred a bill of the Senate, No. 34, "to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838," have had the same under consideration, and have instructed me to report it back to the House, without amendment, and recommend its passage.

Bill No. 34, named in the report, was read the third time and passed.

Ordered that the Senate be informed of its passage.

Mr. Rulon also made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred a petition from sundry citizens of Brown county, praying for the repeal of the law regulating the summoning and empanneling petit jurors, so far as Brown county is concerned, have had the same under consideration, and have instructed me to report the following bill,

No. 209—To change the mode of selecting petit jurors in Brown county,

Which was twice read, (the rules being suspended) when,

On motion of Mr. Houghton,

Said bill was amended by embracing Martin county in the provisions of said bill,

And Owen county was also added on the suggestion of Mr. Chamber.

The bill was then read a third time and passed.

Ordered that the Senate be informed thereof,

Mr. Chiles made the following report,

MR. SPEAKER—

The judiciary committee to whom was referred a bill of the House, No. 175, entitled "a bill to amend the act regulating the duties of justices of the peace, approved Feb. 17, 1838," have had the same under consideration, and have directed me to report the same back to the house, and recommend its indefinite postponement.

Said report was concurred in, and said bill No. 175 was indefinitely postponed accordingly.

Mr. Howe made the following report,

MR. SPEAKER—

The committee on the judiciary, to which was referred bill No. 142, of the house, entitled, "an act to amend an act subjecting real and personal estate to execution;" having had the same under consideration, have directed me to report it back to the house and recommend its passage with the following amendment, viz:

Strike out all from the enacting clause and insert the following:  
Mr. Sweetser dissenting.

Said amendment was read; when,

On motion of Mr. Jones,

Said report, bill and amendment, were laid on the table.

Mr. Sweetser, chairman of the judiciary committee made the following report,

MR. SPEAKER—

The committee on the judiciary to whom was referred bill No. 182, a bill to confirm to Enoch D. John and Cornelius G. W. Comegys a certain lease of water power therein named, have had the same under consideration, and directed me to report the same with one amendment.

The amendment of the committee was concurred in, and both the bill and amendment were ordered to be engrossed for a third reading.

Mr. Dowling made the following report,

MR. SPEAKER—

The committee on Canals and Internal Improvements, to whom was

referred bill No. 193 of the house, to provide for the completion of that portion of the Cross-cut Canal, lying between Terre-Haute, and the feeder dam" have had the same under consideration, and have directed me to report the same back to the house, with the following amendment:

Strike out from the enacting clause and insert the following.

Which was read and concurred in.

When, Mr. Conwell moved to recommit the bill and amendment to a select committee with instructions to make the provisions of the law general.

Which motion did not prevail.

Said bill and amendment were then ordered to be engrossed for a third reading.

Mr. Strattan made the following report,

Mr. SPEAKER—

The committee on canals and internal improvements to whom was referred the petition of George Owens, have had the same under consideration and have directed me to report that in their opinion the petitioner has presented no facts which give him any claim either legal or equitable upon the state, wherefore they ask to be discharged from the further consideration of the subject.

Which was concurred in, and the committee discharged accordingly.

Mr. Shortridge, chairman of the committee on corporations, made the following report,

MR. SPEAKER—

The committee on corporations, to whom was referred bill No. 60 of the Senate, to incorporate the Indiana Iron Manufacturing Company, have had the same under consideration, and have instructed me to report the same back to the house, without amendment.

Which report was concurred in, and the bill was read a third time and passed.

Ordered that the Clerk inform the Senate thereof.

Mr. Shoup made the following report,

MR. SPEAKER—

The committee on corporations to whom was referred a bill of the House, No. 207, have had the same under consideration, and have directed me to report the same back with the following amendments, and recommend its passage, to-wit;

Amend the first section by striking out the words "ten thousand," and insert "five thousand."

Amend the 3d section by adding after the words "constitution," these words "and laws."

Also add the additional section,

That any future legislature shall have the power to repeal, alter, amend, or modify this act, but such repeal, alteration, amendment or modification shall not divert the property or funds of said corporation from the purposes expressed therein.

Said amendments were concurred in, and both they and the bill were ordered to be engrossed for a third reading.

Mr. Graham, from the committee on corporations, made the following report:

Mr. SPEAKER—

The committee on corporations to whom was referred bill of the Senate No. 28, entitled, "an engrossed bill to amend an act to incorporate the town of Laporte," approved February 18, 1839, have had the same under consideration and have directed me to report the same back, without amendment, and recommend its passage.

Said bill was thereupon read the third time and passed.

Ordered that the Senate be informed thereof.

Mr. Runyan made the following report:

Mr. SPEAKER—

The committee on corporations to whom was referred the petition of sundry citizens of Kosciusko county, praying the repeal of an act entitled an act incorporating the Asbury School society, approved February 24, 1840, have according to order had the same under consideration and instructed me to report that they deem it inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Said report was concurred in and the committee discharged.

Mr. Bowers made the following report:

Mr. SPEAKER—

The committee on corporations to whom was referred bill No. 206, of the House, have had the same under consideration, and have directed me to report the same back to the House with one amendment.

Said amendment was concurred in, and the the bill and amendment ordered to be engrossed for a third reading.

Mr. Leslie made the following report:

Mr. SPEAKER—

The select committee to whom was referred the petitions of citizens



of the county of Harrison on the subject of a state road, have had the same under consideration, and directed me to report a bill in accordance with the prayer of said petitioners.

Bill No. 210—For the location of a state road in the counties of Harrison and Crawford,

Which was read the first time and passed to a second reading.

Mr. Blankenship made the following report:

Mr. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of *Mooreville*, *Morgan* county, asking for an act of incorporation of the town of *Mooreville*, and also a remonstrance on the same subject, have had the same under consideration and have directed me to report the following bill:

No. 211, to incorporate the town of *Mooreville* in *Morgan* county;

Which was read the first time and passed to a second reading on tomorrow:

Mr. Newell of F., made the following report:

Mr. SPEAKER—

The select committee to whom was referred the petition of the county commissioners of *Fountain* county, relative to vacating spring street in the town of *Covington* in said county, have had the same under consideration and ask leave to report the following bill:

No. 212, relative to the vacating of spring street in the town of *Covington*, in *Fountain* county;

Which was read the first time and passed to a second reading on tomorrow:

Mr. Rayburn made the following report:

Mr. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of *Miami* county, asking that all that part of Congressional township No. 30 north of range 5 east, lies in and now is a part of the county of *Miami*, be attached to and form a part of *Fulton* county, have had the same under consideration and have directed me to report:

That your committee, while they would with pleasure comply with the wishes and accommodate the convenience of the petitioners, believe that they are prohibited from complying with the request of said petitioners on the ground that *Miami* county is now too small only containing 380 square miles; they therefore deem legislation on the subject inexpedient and ask to be discharged.

Which was concurred in and the committee discharged.

Mr. Leslie made the following report:

Mr. SPEAKER—

The select committee to whom was referred the petition of citizens of Corydon in the county of Harrison, on the subject of a re-survey of the streets and alleys of said town, have had the same under consideration and directed me to report a bill in accordance with the prayer of the petitioners:

Bill No. 213, to establish permanent corners to the streets, alleys, and lots in the town of Corydon;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Coleman made a report from a select committee and a joint resolution, No. 214.

Which was read the first and second times, (the rules being suspended) and ordered to be engrossed for a third reading.

Mr. Brenton moved that said report be laid on the table and that 500 copies thereof be printed;

Which motion did not prevail.

Mr. Lancaster from a select committee to which had been referred the petition of the directors of the Richmond and Brookville canal made a report accompanied by

Bill No. 215, respecting the Richmond and Brookville canal stockholders;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Houghton made the following report:

MR. SPEAKER:

The select committee to whom was referred the Bill of the Senate, No. 44, An act to amend an act entitled an act to provide for public printing and for the distribution of the laws and journals, approved February 16th, 1839, have had the same under consideration and directed me to report it back with one amendment, and recommend its passage.

Strike out the second section of the amendment and insert the following:

“The prices to be paid such public printer are hereby established as follows, and shall so remain unless changed by law: For composition per thousand ems plain matter, fifty cents; figure work per thousand ems, seventy cents; rule and figure work per thousand ems, one dollar. For press work per token, common forms, fifty cents; broad-side per token, sixty cents. Folding reports and bills, for one hundred copies on each signature, (distinct tables to be considered as signatures,) twelve and a-half cents; stiching reports and bills per hundred copies, twenty-five cents.”

Pending the question, on concurring in the above report, the Speaker laid before the House, the following communication:

*To the General Assembly:*

The undersigned deem it proper, under existing circumstances, to say to your honorable body, that they will execute the whole of the printing required by the State, at the prices following:

Composition, plain matter,	45 cents per 1000 ems.
“ figure, “	68 “ “
“ rule and figure,	80 “ “
Press work per token,	45 cents.
Broad-sides, “	68 “

The undersigned do not wish to be considered in the light of underbidders, but having procured recently a large amount of materials, with the expectation of doing a portion of the State printing, we are enabled to perform the work at less prices than others can, who are not similarly situated. If we should not obtain the contract, these materials will lie dead on our hands, and of course subject us to great loss.

DOUGLASS & NOEL.

Which was read, when,

Mr. Henley moved to re-commit the bill, amendment and report, with instructions to provide for letting out the public printing to the lowest responsible bidder.

And the ayes and noes being demanded by Messrs. Henley and Burton,

*Those who voted in the affirmative were,*

Messrs. Ball, Bowles, Brenton, Burton, Byers, Carr, Casey, Chrisman, Clark of D., Conner, Conwell, Dunbar, Durbin, Hamer, Harding, Henley, Jones, Kerr, Kile, Lucas, M'Crillis, M'Cully, Miller, Newell of F., North, Peck, Quick, Rawlings, Read, Ritchey, Rippey, Ross, Rulon, Saylor, Schoonover, Shanks, Shoup, Sloan, and Sweetser of M.—39

*Those who voted in the negative were,*

Messrs. Atherton, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Butler of C., Butler of V., Champer, Chiles, Clark of T., Cole, Coleman, Defrees, Dowling, Dunn, Farrington, Foote, Goodenow, Harrah, Harrison, Hiatt, Houghton, Howe, Lancaster, Leslie, Mason, Montgomery of G., Montgomery of W., Newell of W., Rayburn, Robbins, Rose, Russell, Shawhan, Shortridge, Smydth of D., Smith of F., Stanford, Stratton, Terrell, Walpole, Welch, Wilson, and Mr. Speaker—46.

So the House refused to re-commit.

Mr. Butler of V., then moved to re-commit the bill, &c., to a select

committee, with instructions to report a bill agreeably to the prices proposed by Douglass and Noel.

Mr. Burton moved to amend the instructions by striking them out, and adding the following:

“Re-commit to a select committee with instructions to fix the rate of printing at the lowest proposed price, reported to this House by the several printers in this town.”

Which amendment was not adopted.

The question then recurring on Mr. Butler's of V. instructions, and the ayes and noes being demanded by Messrs. Butler of V. and Chrisman,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Brown, Butler of V., and Mr. Speaker—5.

*Those who voted in the negative were,*

Messrs. Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Burgess, Burton, Butler of C., Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunbar, Durbin, Farrington, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Lucas, Mason, M'Crillis, M'Cully, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Welch, and Wilson—84.

So the bill was not re-committed with instructions.

The question then recurring on concurring in the report of the committee, and the ayes and noes being demanded by Messrs. Houghton and Brenton,

*Those who voted in the affirmative were,*

Messrs. Bowers, Bradbury, Brown, Dowling, Harrah, Houghton, Lancaster, Shawhan, Smith of F., Stratton, Welch, and Mr. Speaker—12.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Bowles, Brenton, Burgess, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Dunbar, Durbin, Farrington, Foote,

Goodenow, Graham, Hamer, Harding, Harrison, Henley, Hiatt, Howe, Jenckes, Jones, Kerr, Kile, Leslie, Lucas, Mason, M'Crillis, M'Cully, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Russell, Saylor, Schoonover, Shanks, Shortridge, Shoup, Sloan, Smydth of D., Sweetser of G., Sweetser of M., Terrell, and Walpole—79.

So the report of the committee was not concurred in.

The bill of the Senate, with the former amendment made to it by the House, was then read a third time and passed.

Ordered, that the Clerk inform the Senate thereof.

Mr. Sloan made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition and remonstrance of sundry citizens of Whiskey-Run township, in Crawford county, have had the same under consideration, and have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from further consideration thereon.

The report of the committee was concurred in, and they discharged accordingly.

Mr. Montgomery of W., made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Fountain and Warren counties, in relation to a certain State road, have had the same under consideration, and directed me to report the accompanying bill:

No. 216, to locate a certain State road in the counties of Fountain and Warren;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Butler of C., made the following reports:

MR. SPEAKER:

The joint committee on Enrolled Bills report that they have compared the enrolled with the engrossed bills of the House, of the following titles, and find the same duly enrolled, to wit:

No. 36, an act to invest the real estate of Walter Slawter, deceased, in his children, and for other purposes.

No. 69, a joint resolution in relation to the sub-treasury bill.

No. 96, An act to vacate a part of the town of Bowling-Green, in Clay county.

No. 104, an act to authorize Thomas S. Hinde to establish a ferry therein named;

No. 106, an act to authorize probate judges to issue writs of habeas corpus and proceed to trial thereon.

No. 122, a joint resolution relative to the election of President and Vice-President of the United States.

No. 145, an act to distribute the school funds, and for other purposes, in Perry county.

No. 147, an act to repeal the one hundred and third section of an act therein named, so far as relates to Perry county;

Also No. 40, of the Senate, an act to incorporate the Princeton musical Institute.

No. 66, a joint resolution in relation to a National bank.

MR. SPEAKER:

The joint committee on Enrolled Bills report that they have, on this day, presented to His Excellency, the Governor, for his approval and signature, the following acts and joint resolutions, to wit:

No. 36, an act to invest the real estate of Walter Slawter, deceased, in his children, and for other purposes.

No. 69, a joint resolution relative to the sub-treasury bill.

No. 96, an act to vacate a part of the town of Bowling-Green, in Clay county.

No. 104, an act to authorize Thomas S. Hinde to establish a ferry therein named.

No. 106, an act to authorize probate judges to issue writs of habeas corpus, and proceed to trial thereon.

No. 122, a joint resolution relative to the election of President and Vice-President of the United States.

No. 145, an act to distribute the school fund, and for other purposes, in Perry county.

No. 147, an act to repeal the one hundred and third section of an act therein named, so far as relates to Perry county.

Mr. Shanks made the following report:

MR. SPEAKER—

The committee on Engrossed Bills, have compared the engrossed with the original bills of the House, of the following titles, viz:

No. 128, to incorporate the Euterpian band of South-Bend;

No. 159, to incorporate the town of Carlisle, in Sullivan county;

No. 176, to amend an act for the relief of John Rodolph Fischli, approved Feb. 18, 1839;

No. 177, for the relief of owners of Indian reservations;

No. 192, to amend an act entitled an act authorizing domestic attachments and regulating proceedings therein, approved January 19, 1831;

No. 194, to protect lands mortgaged to the State from forfeiture for the non-payment of corporation taxes;

No. 198, to repeal an act vacating a part of the town of Milford, in Kosciusko county, approved Jan. 22, 1839;

And find the same correctly engrossed.

The following message was received from His Excellency the Governor, by Mr. Moore, his Private Secretary:

MR. SPEAKER;

I am directed by the Governor to inform the House of Representatives, that on Friday last, January 16th, he approved and signed

“An act for the relief of the securities of Andrew Martin, collector of the state and county revenue, of the county of Daviess for the year 1839.”

And that on this day he approved and signed,

“An act to distribute the school funds, and for other purposes, in Perry county.”

“An act to repeal the one hundred and third section of an act therein named, so far as relates to Perry county.”

“An act to vacate a part of the town of Bowling-Green in Clay county.”

“An act to authorize Probate Judges to issue writs of habeas corpus, and proceed to trial thereon.”

“An act to invest the real estate of Walter Slawter, deceased, in his children, and for other purposes.”

“An act to authorize Thomas S. Hinde to establish a Ferry therein named.”

And also joint resolutions, entitled:

“A joint resolution relative to the sub-treasury bill.”

“A joint resolution relative to the election of President and Vice President of the United States.”

All of which originated in the House of Representatives.

On motion of Mr. Smith of F.,

One hundred copies of the report made by Mr. Lancaster, relative to the Richmond and Brookville Canal,

Was ordered to be printed and that said report lie on the table.

On motion of Mr. Brenton,

The joint resolution and report introduced by Mr. Coleman, were laid on the table, and 100 copies of each ordered to be printed.

Mr. Farrington moved that the report of Mr. Sweetser of M., concerning the payment of state bonds be taken from the table;

Which motion prevailed, and said report was taken up; when

Mr. Clark of T. moved to amend the motion of Mr. Farrington, by adding the following resolution:

*Resolved*, That in concurring in said report, this House does not consent to yield any legal remedy to which the state may be entitled, in the recovery of bonds, which may have been fraudulently obtained from the Fund Commissioners.

And before any decision was had thereon,

The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

On motion of Mr. Clark of T.,

The previous order of business was suspended, and the House went into committee of the whole on the revenue bills, Mr. Stanford in the chair;

And after some time spent therein, the committee rose, reported the amendments to the House on bills No. 60, 61, 62, 63 and 64, and asked the concurrence of the House to the same;

And also asked leave to sit again on bills No. 65 and 66;

The bill No. 160, "to value the property of the state," was then taken up, and the question being on concurring in the amendment of the committee;

Which was to strike out of the 2d line in the 15th section of the bill, the words, "Senatorial districts," and insert "judicial circuits;"

It was concurred in by the House.

Mr. Montgomery of G., then moved to strike from the 15th section of the bill the two first lines, and after the word Auditor in the 3d line, insert "Treasurer and Secretary of State;"

Which amendment did not prevail.

Mr. Clark of T., moved to amend the 5th line of the 8th section, by inserting after the word "described" the following;

But if such lands shall have been surveyed subsequent to the survey made by the United States, and if it shall be proven to the satisfaction of the appraiser, that any such tracts of land contain a greater or less quantity than is described in the patent or deed under which such lands are held, then the appraiser shall charge the owner with the true quantity as ascertained by such subsequent survey.

Which amendment was adopted.

Mr. Leslie then moved to amend the bill by striking out all relative to the state board of equalization;

And the ayes and noes being demanded by Messrs. M'Cully and Durbin;

*Those who voted in the affirmative were,*

Messrs. Bowles, Brenton, Burton, Byers, Carr, Chrisman, Clark of F. Dunbar, Durbin, Goodenow, Henley, Leslie, M'Cully, Miller, Montgomery of G., Montgomery of W., Rawlings, Read, Ritchey, Rippey, Rulon, Runyan, Saylor, Sloan and Wilson—25.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury,



Brown, Burgess, Butler of C., Butler of V., Casey, Chiles, Clark of D., Clark of T. Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Foote, Freeman, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton. Jenckes, Kerr, Kile, Lancaster, Lucas, Mason, Morgan, Newell of F., Newell of W., North, Peck, Quick, a y-burn, Robbins, Ross, Rose, Russell, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Smydth of D., Smith of F., Stanford, Stratton; Sweetser of M., Sweetser of G., Terrell, Walpole, Welch and Mr. Speaker—63.

So said amendment was not adopted.

Mr. Brenton moved to amend, by adding after the word "lessen" in the 9th line of the 15th section, the words "or increase;"

Which amendment was not adopted.

Mr. Conwell then moved to amend the 15th section, by striking out that part relative to the board of equalization, and insert "that the Senate shall elect two of the Representatives out of each judicial circuit at the next Legislature, and they and the Secretary, Treasurer and Auditor shall constitute the board, and said board shall serve without any additional pay;"

Which amendment was not adopted.

Mr. Foote moved to amend the first section, by striking out all after the word "appointing" in 9th line, and insert "an assistant to said appraiser in case of sickness, or other disability to discharge the duties of his office, in the time required by law;"

Which was adopted.

Mr. Burton moved to reconsider the vote taken on the amendment proposed by Mr. Conwell;

Which motion prevailed, and the vote was reconsidered.

Mr. Read moved to amend the amendment, by striking out the first clause and inserting, "that a committee of two from each judicial circuit, consisting of members of the House of Representatives, shall be elected by ballot vote of the next House;"

.. M. Smydth of D., moved to lay the amendment, and the amendment to the amendment on the table;

Which motion did not prevail.

The question then being on Mr. Read's amendment to the amendment,

Was decided in the negative.

Mr. Stanford moved to amend the amendment by striking it out, and inserting that the board of equalization shall consist of a joint committee, composed of one Senator and one Representative from each judicial circuit in this state; the members of the committee to be elected by separate ballot vote of each House;

Which amendment was not adopted.

Mr. Blankenship, moved the previous question,

Which was not seconded.

The question then recurring on Mr. Conwell's amendment,

It was decided in the negative;

So said amendment was not adopted.

Mr. Ritchey moved to amend the 15th section as follows:

“So as to make it the duty of the Legislature, to equalize the valuation of the real estate in the several counties, &c.”

Which amendment did not prevail.

Mr. Smith of F., moved to amend the 15th section, by inserting “should any of said board of equalization, not meet at the time specified in this section, it shall be the duty of such as shall so meet, to appoint suitable persons from the several circuits, to fill the places of such as may not be present;”

Which amendment was adopted.

Mr. Montgomery of W., moved to amend by adding to the bill an additional proviso, “that nothing in this act shall be so construed as to prevent the Clerks of the several counties, from performing the duties of the county Auditor, wherein the number of polls does not exceed fifteen hundred.”

Mr. Kile moved to amend the amendment, by striking out “1500,” and inserting “1000;”

Which motion did not prevail.

Mr. Jones, moved to amend by striking out “1500,” and inserting “1250;”

Which amendment was accepted by the mover.

The question then recurring on the adoption of the amendment of Mr. Montgomery of W., as modified.

And the ayes and noes being demanded by Messrs. Montgomery of W. and Jones;

*Those who voted in the affirmative were*

Messrs. Bowles, Bradbury, Brenton, Brown, Burgess, Burton, Byers, Carr, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Conner, Conwell, Defrees, Dowling, Dunbar, Durbin, Freeman, Goodenow, Hamer, Harding, Hiatt, Houghton, Jones, Lancaster, Leslie, Lucas, McCrillis, McCulley, Miller, Montgomery of Warren, Newell of W., Quick, Rawlings, Read, Rose, Rulon, Runyan, Shanks, Shoup, Sloan, Stratton, Terrell, Walpole, Welch, Wilson, and Mr. Speaker—49.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Blankenship, Butler of Cass, Casey, Champer, Cole, Coleman, Dunn, Elkins, Farrington, Foote, Harrah, Harrison, Howe, Jenckes, Kerr, Kile, Mason, Montgomery of Gibson, Morgan, North, Peck, Rayburn, Ritchey, Rippey, Robbins, Ross, Russell, Saylor, Schoonover, Shawhan, Shortridge, Smydth of D., Stanford, Sweetser of Grant, Sweetser of M.—38.

So said amendment was adopted.

Mr. Foote moved to amend the 5th section of the bill by striking out the first clause to the words “1839” inclusive, and inserting, “that it shall be the duty of the appraiser appointed in pursuance of the pro-

visions of the 1st section of this act, immediately after the first Monday of May, and before the twenty-fifth day of September next, to proceed to list and appraise all the real estate in his county, subject by law to taxation, as follows, to-wit:

And the ayes and noes being demanded by Messrs. Foote and Jenckes,

*Those who voted in the affirmative were*

Messrs. Ball, Bowles, Brown, Burton, Casey, Champer, Chiles, Clark of Fountain, Coleman, Conwell, Defrees, Dowling, Farrington, Foote, Goodenow, Hiatt, Howe, Jenckes, Jones, Kerr, Lucas, Mason, McCrillis, McCully, Miller, Montgomery of W., Newell of White, Peck, Rawlings, Read, Rayburn, Ross, Rulon, Runyan, Schoonover, Shawhan, Shoup, Strattan, Sweetser of G., Terrell and Walpole—42.

*Those who voted in the negative were*

Messrs. Atherton, Blair, Bowers, Bradbury, Brenton, Burgess, Butler of Cass, Byers, Carr, Clark of Dearborn, Clark of Tippecanoe, Cole, Conner, Dunbar, Durbin, Elkins, Hamer, Harding, Harrah, Harrison, Houghton, Kile, Lancaster, Leslie, Montgomery of Gibson, North, Quick, Rippey, Robbins, Rose, Russell, Saylor, Shanks, Shortridge, Sloan, Smydth of Daviess, Stanford, Sweetser of Marion, Welch, Wilson and Mr. Speaker—41.

So said amendment was adopted.

Mr. Burton then moved that the bill and the amendments thereto, be indefinitely postponed,

And the ayes and noes being demanded thereon by Messrs. Clark of D. and Burton,

*Those who voted in the affirmative were*

Messrs. Bowles, Bradbury, Burton, Byers, Carr, Casey, Chiles, Chrisman, Clark of F., Dunbar, Henley, Jones, Kile, Leslie, McCully, Rawlings, Read, Ritchey, Sloan, and Walpole—19.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blankenship, Bowers, Brenton, Brown, Burgess, Butler of Cass, Champer, Clark of D., Clark of Tip., Cole, Coleman, Conner, Conwell, Defrees, Dowling, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Kerr, Lucas, Mason, McCrillis, Miller, Montgomery of G., Montgomery of Warren, Morgan, Newell of White, North, Peck, Quick, Rayburn, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks,

Shawhan, Shortridge, Shoup, Smydth of Daviess, Stanford, Strattan, Sweetser of G., Sweetser of Marion, Terrell, Welch, Wilson and Mr. Speaker.—66.

So said bill and amendments were not indefinitely postponed.

The question then being, Shall the bill and amendments be engrossed for a third reading?

It was decided in the affirmative.

And the bill and amendments were ordered to be engrossed.

Bill No. 161—Prescribing the duties of County Auditor,

Was then taken up, and the House concurred in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th and 9th amendments made by the committee.

On motion of Mr. Clark of D.,

The House re-considered the vote taken on concurring in the seventh amendment of the committee.

And the question being put, will the House concur in said seventh amendment of the committee?

It was decided in the negative.

Mr. Dunn moved the following proviso to the first section of the bill:

“Provided no person shall be eligible to hold the office of County Auditor, unless he shall first obtain a certificate of qualification, as is now required of candidates for the clerkship in the circuit court.”

Which amendment was not adopted.

Mr. Foote moved to amend the seventh section of the bill as follows:

“Strike out County Commissioners and the word ‘or’ in the second line and insert after the word Treasurer in the same line ‘or member of the board doing county business.’”

Which was adopted.

Mr. Conwell offered the following amendment,

Provided, however, That in all cases where lands belong to minors that it shall be lawful for such proof to be laid before the county treasurer, and if the treasurer is satisfied that any lands returned under the provisions of this act, belongs to a miner, it shall not be lawful for said treasurer to issue a deed for said land, until two years after such miner shall become of age, but the treasurer aforesaid shall charge such miner all the cost, interest and taxes that may accrue previous to the redemption of said land.

And the ayes and noes being demanded thereon by Messrs. Conwell and Schoonover,

*Those who voted in the affirmative were,*

Messrs. Burgess, Burton, Byers, Carr, Chiles, Chrisman, Clark of F., Conwell, Dowling, Dunbar, Henley, Houghton, Leslie, Lucas, Mason, McCully, Miller, Montgomery of W., Morgan, Rawlings, Read, Ritchey, Rose, Runyan, Schoonover, Shoup, Smith of F., and Walpole—28.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradberry, Brenton, Butler of C., Champer, Clark of D., Clark of T., Coffeen, Cole, Conner, Defrees, Dunn, Durbin, Elkins, Farrington, Foote, Goodenow, Hamer, Harding, Harrah, Harrison, Hiatt, Jenckes, Jones, Kerr, Kile, Lancaster, McCrillis, Montgomery of G., Newell of W., North, Peck, Quick, Rayburn, Rippey, Robbins, Ross, Russell, Saylor, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Standford, Stratton, Sweetser of G., Sweetser of M., Terrell, Wilson, and Mr. Speaker—56.

So said amendment was not adopted.

Mr. Foote moved to amend by adding the following as an additional section to the bill:

Sec. 57. That all lands or town lots which may be hereafter sold under the provisions of this act, for the taxes, interest, and penalties, due and remaining unpaid thereon, may be redeemed by the owner or owners thereof, within two years, from and after the day of sale; he, she, or they, paying to the purchaser his, her, or their assignee, the amount for which said lands or town lots were sold with the addition of fifty per cent. thereon; together with the amount of taxes paid by said purchaser or assignee, after his said purchase. Provided that infants, idiots, femes covert, and insane persons, who are owners or claimants of lands or town lots, which may have been sold as aforesaid; shall within two years after such sale, or such disability be removed, be permitted to redeem the same by discharging the demands to which they are liable by virtue of the provisions of this act.

Mr. Standford moved to strike out the last proviso of Mr. Footes amendment.

And the ayes and noes being demanded thereon by Messrs. Conwell and Burton.

*Those who voted in the affirmative were,*

Messrs. Ball, Dunn, Goodenow, Kile, Montgomery of G., Rawlings, and Stanford,—7.

*Those who voted in the negative were,*

Messrs. Atherton, Blair, Blankenship, Bowers, Brenton, Brown, Burgess Burton, Butler of C., Byers, Carr, Champer, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunbar, Elkins, Farrington, Foote, Hamer, Harding, Harrah, Harrison, Henley, Hiatt, Houghton, Jenckes, Jones, Kerr, Lancaster, Leslie, Lucas, Mason, McCulley, Miller, Montgomery of W., Morgan, Newel of W., North, Peck, Quick, Read, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Kulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan,

Smydth of D., Smith of F., Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Wilson, and Mr. Speaker,—76.

So said amendment was not adopted.

The question then recurred on the amendment of Mr. Foote.

And the ayes and noes being demanded thereon by Messrs. Foote, and Conwell.

*Those who voted in the affirmative were,*

Messrs. Ball, Blankenship, Brenton, Brown, Burgess, Burton, Butler of C., Byers, Carr, Champer, Chilés, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin, Elkins, Farrington, Foote, Goodenow, Hamer, *Harding*, Harrah, Harrison, Hiatt, Houghton, Jenckes, Jones, Kerr, Lancaster, Leslie, Lucas, *Mason*, *McCully*, *Miller*, Montgomery of G., *Montgomery* of W., *Morgan*, Newell of W., North, Peck, Quick, Rawlings, Read, Reyburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shoup, Sloan, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Wilson, and Mr. Speaker—76.

*Those who voted in the negative were,*

Messrs. Atherton, Blair, Bowers, Bradbury, Farrington, Jenckes, Kile and Shortridge—8.

So said amendment was adopted.

Mr. Morgan offered the following amendment:

In sec. 26, strike out all after the word "day" in the sixth line of said section.

And before any decision was had thereon,

The House adjourned until to-morrow morning 9 o'clock.

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WEDNESDAY, JAN. 20, 1841.

The House met pursuant to adjournment.

On motion of Mr. Jones,

A call of the House was ordered, and some progress being made therein, the further call was suspended.

The following message was received from the Senate by Mr. Maguire, their secretary:

Mr. SPEAKER;

The Senate has receded from its second amendment to the bill of the House,  
No. 79, to prohibit the making, issuing, or circulating small notes or bills.

The Senate has also passed engrossed bills of the House of Representative:

No. 133, An act to authorize William Mumford to build a bridge across the Wabash river in the county of Wabash, with one amendment.

No. 154, an act providing for draining swamps, ponds, marshes, bogs and other low lands within the county of Spencer, with two amendments.

In which amendments to the bills of the House the concurrence of the House of Representatives is requested.

The amendments made to bills No. 133 and 154 named in the message were then read and concurred in.

The following message was received from the Senate by Mr. Wright, a member:

Mr. SPEAKER—

I am instructed by the Senate to inform the House of Representatives, that the Senate has passed bill,

No. 82, of the Senate entitled a bill to incorporate the Logansport trading and manufacturing company.

In which the concurrence of the House is respectfully requested.

Said bill was then read three several times, (the rules being suspended) and passed.

Ordered that the clerk inform the Senate thereof.

The Speaker laid before the House a communication from the Leavenworth savings institution;

Which was read and referred to the committee on the judiciary.

#### PETITIONS PRESENTED.

By Mr. Blankenship two petitions of the citizens of Morgan county asking Mud creek to be declared a public highway;

Which was referred to a select committee of Messrs. Blankenship, Reyburn, and Goodenow.

By Mr. Atherton, of the citizens of Madison county concerning the duties of justices of the peace;

Which was referred to a select committee of Messrs. Atherton, Rippey, and Peck.

By Mr. Elkins, of the citizens of Randolph county, concerning relief to George D. Moore;

Which was referred to a select committee of Messrs. Elkins, Chiles, and Standford.

Mr. Jones asked and obtained leave to withdraw the petition of the citizens of Spencer county concerning the draining of Ponds &c.; of that county.

By Mr. Blankenship, of John Hudiburgh concerning the militia of Morgan county;

Which was referred to the committee on military affairs.

By Mr. Montgomery of W., of the citizens of Milford asking to have the name thereof changed;

Which was referred to a select committee of Messrs. Montgomery, Atherton, and Rippey.

By Mr. Schoonover, of J. A. C. McPhetis;

Which was read and referred to the committee on claims.

By Mr. Byers, of sundry citizens of Monroe county, concerning the loaning of the school money;

Which was referred to a select committee of Messrs. Byers, Rulon, and Ball.

By Mr. Runyan, of the citizens of Kosciusko county concerning the alteration of a state road;

Which was referred to the committee on roads.

By Mr. Howe, of the citizens of Noble and Lagrange counties concerning the consolidation of said counties;

Which was referred to a select committee of Messrs. Howe, De-frees, and Runyan.

Mr. Cole asked and obtained leave to introduce bill,

No. 216, to dispense with records in certain cases and to authorize amendments in pleading;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Walpole, from the judiciary committee, made the following report,

*Mr. SPEAKER,*

The judiciary committee to whom was referred bill No. 124, to abolish imprisonment for debt, and subject choses in action and equitable interest to execution, have according to order had the same under consideration, and a majority of said committee instruct me to report that they have made one amendment to said bill, by striking out the second section thereof, and ask the concurrence of the House of Representatives thereto.

Mr. Jones moved the bill and amendment be laid on the table.

Which motion did not prevail.

On motion of Mr. Sweetser of M.,

Said bill and amendment were committed to the committee of the whole House, and made the order of the day for to-morrow.

Mr. Howe made the following report:



MR. SPEAKER:

The committee on the judiciary, to whom was referred bill No. 25, of the Senate, entitled, "an act to amend an act entitled an act subjecting real and personal estate to execution," have had the same under consideration and instructed me to report the same back with the following amendment:

Which amendment was read and concurred in.

And the amendment and bill ordered to be engrossed for a third reading on to-morrow.

Mr. Farrington moved to suspend the order of business and take up bill No. 194,

Which motion did not prevail.

Mr. Sweetser of G. made the following report:

MR. SPEAKER—

The committee on claims to whom was referred bill No. 196, of the House "A bill for the benefit of John Lynch," have had the same under consideration. The committee after an investigation of the claim of the said John Lynch, have come to the conclusion that if the said Lynch is entitled to any relief; that relief should come from the treasury of Putnam county, and not out of the state treasury. They have therefore directed me to report the bill back and recommend its indefinite postponement.

The report of the committee was concurred in, and said bill indefinitely postponed.

Mr. Sweetser of G. also made the following report:

MR. SPEAKER—

The committee on claims to whom was referred bill No. 36 of the Senate, for the relief of John Brookbank of Carroll county, have had same under consideration, and directed me to report it back without amendment, and recommend its passage.

Which was concurred in, and the bill was read a third time and passed, and

Ordered that the Clerk inform the Senate thereof.

Mr. Morgan made the following report:

MR. SPEAKER:

The committee on roads to which was referred No. 188, entitled, A bill defining the duties of supervisors in road districts through which the Michigan road passes, have had the same under consideration and directed me to report it back and recommend its indefinite postponement,

The report was concurred in, and said bill indefinitely postponed

Mr. Morgan also made the following report,

MR. SPEAKER—

The committee on roads to whom was referred the petition of Robert M. Ramsey and others, praying the Legislature to grant them leave to open so much of the Greencastle and Crawfordsville turnpike as lies between Parkersburg and Raccoon creek, have had the same under consideration, and instructed me to report that any legislation on the subject is unnecessary, and ask to be discharged from the further consideration thereof.

The committee was discharged, and

On motion of Mr. Wilson,

Said petition was referred to a select committee of Messrs. Wilson, Harrah and Harrison.

Mr. Morgan also made the following additional report:

MR. SPEAKER:

The committee on Roads, to whom was referred the petition of E. Hemphill and others, praying for an appropriation of the three per cent. fund, or any other funds, to build a bridge in the town of Independence, in Warren county, have had the same under consideration, and by referring to the report of the Treasurer of State in relation to the three per cent. fund, they find that there is none of that fund on hand for Warren county, at this time. And as they are not apprised of any other funds at the control of the legislature that could be very well spared at this time, to build bridges for the good people of Independence, they have come to the conclusion that it would be best not to grant the prayer of the petitioners, and ask to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged accordingly.

Mr. Runyan made the following report:

MR. SPEAKER:

The committee on Corporations to whom was referred the petition of sundry citizens of the county of Kosciusko, praying the repeal of the eight section of an act entitled an act to incorporate the Leesburgh school society, approved February 24th, 1840, have, according to order, had the same under consideration, and have directed me to report the following bill:

No. 218, repealing the eight section of an act incorporating the Leesburgh school society, approved Feb. 24th, 1840;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Read made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Daviess county, praying to be attached to Martin county, have had the same under consideration, and directed me to make the following

### REPORT:

That the committee have taken the subject under consideration, and given to it that attention which the situation of the petitioners required. The committee are satisfied of the inconvenience that the petitioners labor under, in consequence of the distance which they are situated from Washington, the county seat of Daviess county; and from a glance at the map, the committee are satisfied that could the prayer of the petitioners be granted, that Mount-Pleasant, the county seat of Martin county, would be much more convenient to them. The committee are also satisfied, that Daviess county contains a little more than twenty miles over her constitutional limits, and it would appear reasonable and just, that the overplus should be attached to Martin county, inasmuch as Martin county contains much less than four hundred square miles: but to grant the prayer of the petitioners, it would reduce Daviess county below her constitutional limits. The committee therefore think it inexpedient to legislate upon that subject at this time, and ask to be discharged from the further consideration thereof.

Which report was concurred in and the committee discharged.

Mr. Kile made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Clinton, Indiana, praying the location of a State road therein named, have directed me to report the following bill, and request its passage:

Bill No. 219, concerning a State road;

Was read the first time and passed to a second reading on to-morrow.

Mr. Montgomery of W., made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of the citizens of Milford, Warren county, have had the same under consideration, and directed me to report the accompanying bill,

No. 220—To change the name of the town of Milford, in Warren county,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Rulon made the following report:

Mr. SPEAKER—

The select committee to whom was referred the petition from sundry citizens of Huntington county, praying for a relocation of the seat of justice in said county, have had the same under consideration, and have instructed me to report, that they consider it inexpedient to legislate further on said petition, and ask to be discharged from the further consideration thereof.

The report of the committee was concurred in, and they discharged.

Mr. Champer made the following report,

Mr. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Owen county, asking the passage of a law to appraise property taken under execution, and that the same if sold should bring two thirds of the appraised value, and provided also if it should not bring that amount, that a longer time be allowed to the execution defendant, have considered that subject, and authorized me to report the following bill,

No. 221—Supplemental to an act subjecting real and personal property to execution, approved Feb. 4th, 1831.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Rayburn made the following report:

MR. SPEAKER—

The select committee to whom was referred a resolution of the House, instructing them to inquire into the expediency of so amending the present law as to make it the duty of inspectors of elections to make out and deliver to supervisors and constables, certificates of their election, have according to order had the same under consideration and have instructed me to report that they deem it inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

Which was concurred in and the committee discharged.

Mr. Coffeen made the following report.

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Delaware county, relative to the jurisdiction of justices of the peace in said county, have had the same under consideration, and

have instructed me to report that it is inexpedient to legislate thereon at this time, and recommend that said petition be laid upon the table.

Which report was concurred in, and the petition laid on the table.

Mr. Stanford made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of Smith Yawter and others, citizens of Jennings county, asking an extension of the terms of their circuit courts have directed me to report it back and recommend that it lie upon the table.

When, On motion of Mr. Welch,

Said petition was referred to a committee of the members of that circuit.

The House then resumed the consideration of the report of Mr. Sweetser of M., which was under consideration on yesterday when the House adjourned. at 12 M.

Mr. Clark of T. withdrew his amendment.

Mr. Walpole moved to recommit the report to a select committee with instructions to provide therein "that nothing herein shall be so construed as to justify the sale of state bonds in future upon time."

The Speaker decided that said motion was not in order.

From which decision Mr. Walpole appealed to the House.

Pending which,

The House proceeded to the consideration of the orders of the day, the time having arrived.

No. 128—An engrossed bill to incorporate the Euterpean Band of South-Bend.

No. 159—An engrossed bill to incorporate the town of Carlisle in Sullivan county.

No. 192—An engrossed bill to amend an act entitled "an act authorizing domestic attachments and regulating proceedings therein," approved 19th Jan. 1831.

No. 76—An engrossed bill to amend "an act for the relief John Rodolph Fischli," approved Feb. 18th, 1839.

No. 177—An engrossed bill for the relief of owners of Indian Reservations.

No. 194—An engrossed bill to protect lands mortgaged to the State from forfeiture for the non payment of corporation taxes.

No. 198—An engrossed bill to repeal an "act vacating a part of the town of Milford in the county of Kosciusko," approved January 22d, 1839,

No. 182—An engrossed bill to confirm to John and Comegys certain water power therein named.

No. 206—An engrossed bill to amend an act entitled, "An act to incorporate the Liverpool Bridge Company.

No. 207—An engrossed bill to incorporate the Trustees of the parsonage of the Methodist Episcopal Church, of the Brookville Circuit.

Were severally read the third time and passed.

Ordered that the Senate be informed thereof.

No. 193—An engrossed bill to provide for the completion of that portion of the Cross Cut Canal which lies between Terre-Haute and the feeder dam in Clay county.

Was read the third time,

And the question being put, Shall said bill pass?

And the ayes and noes being demanded by Messrs. Jones and Sloan,

*Those who voted in the affirmative were*

Messrs. Atherton, Blair, Blankenship, Bowers, Burton, Butler of C., Butler of V., Champer. Chiles, Clark of F., Coffeen, Coleman, Conwell, Defrees, Dowling Elkins, Farrington, Freeman, Graham, Harding, Harrah, Harrison, Houghton, Howe, Jenckes, Kile, Lancaster, Mason, M'Crillis, Miller, Montgomery of W., Quick, Rayburn, Rippey, Robbins, Rose, Runyan, Russell, Shawhan, Smydth of D., Smith of F., Stanford, Stratton, Terrell, Wilson and Mr. Speaker—46.

*Those who voted in the negative were*

Messrs Ball, Bowles, Bradbury, Brown, Burgess, Byers, Carr, Casey, Chrisman, Clark of D., Clark of T., Cole, Conner, Dunn, Dunbar, Durbin, Foote, Goodenow, Hamer, Henley, Jones, Kerr, Leslie, Lucas, M'Cully, Montgomery of G., Morgan, Newell of W., Peck, Rawlings, Read, Rulon, Saylor, Shanks, Shortridge, Shoup, Sloan and Walpole—38.

So said bill the passed,

Ordered, that the Senate be informed thereof.

On motion of Mr. Read,

The committee of the whole House was discharged from the further consideration of bill

No. 148, entitled, a bill to amend an act for the regulation of the State Prison, approved Feb. 17, 1838.

On motion of Mr. Peck,

The 13th section was amended, by striking out the word "eight" where it occurs in the 3d line, and inserting in lieu thereof, "six."

Mr. Smith of F., moved the following amendment:

Strike out all in the first line of the first section, after the word "that," and all in the second line that precedes the word, "superintendents" and insert,

B. Hensley, A. C. Hensley and Benj. Hensley Jr., are hereby appointed;

So that the section as amended, will read, "Be it enacted &c., that

B. Hensley, A. C. Hensley and Benj. Hensley Jr., are hereby appointed superintendents of the State Prison, &c."

And the ayes and noes being demanded thereon by Messrs. Graham and M'Crillis;

*Those who voted in the affirmative were*

Messrs. Ball, Blair, Blankenship, Bradbury, Burgess, Burton, Butler of C., Butler of V., Champer, Chrisman, Clark of D., Coffeen, Coleman, Conwell, Defrees, Dowling, Dunn, Farrington, Freeman, Goodenow, Hamer, Harrison, Henley, Hiatt, Howe, Jenckes, Kile, Lancaster, Lucas, Mason, Montgomery of W., Montgomery of G., Newell of W. Quick, Rayburn, Rose, Runyan, Russell, Shortridge, Smydth of D., Smith of F., Stratton, Sweetser of G., Terrell, Wilson and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Atherton, Bowers, Bowles Brenton, Byers, Carr, Casey, Clark of F., Clark of T., Cole, Conner, Dunbar, Durbin, Elkins, Foote, Graham, Harding, Harrah, Houghton, Jones, Kerr, Leslie, M'Crillis, M'Cully, Miller, Morgan, Peck, Rawlings, Ritchey, Rippey, Robbins, Ross, Rulon, Saylor, Shoonover, Shanks, Shawhan, Shoup, Sloan, Stanford, Sweetser of M. and Walpole—42.

So said amendment was adopted.

On motion of Mr. Dunn,

The vote taken on Mr. Peck's amendment was reconsidered.

The question then being put, shall said amendment be adopted;

And the ayes and noes being requested by Messrs. Peck and Ross;

*Those who voted in the affirmative were,*

Messrs. Blankenship, Bowers, Bradbury, Brenton, Byers, Casey, Chrisman, Clark of F., Coffeen, Cole, Conner, Conwell, Durbin, Foote, Goodenow, Graham, Hamer, Harding, Harrison, Jones, Kerr, Leslie, M'Crillis, M'Cully, Miller, Montgomery of W., Morgan, Peck, Rawlings, Ritchey, Rippey, Ross, Rulon, Saylor, Shawhan, Stanford, Stratton, Sweetser of G. and Walpole—39.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Bowles, Burgess, Burton, Butler of C., Bulter of V., Carr, Champer, Clark of D., Coleman, Defrees, Dowling, Dunn, Dunbar, Elkins, Farrington, Freeman, Harrah, Henley, Hiatt, Houghton, Howe, Jenckes, Kile, Lancaster, Lucas, Mason Montgomery of G., Newell, Quick, Read, Robbins, Runyan, Russell, Schoono-

ver, Shanks, Shortridge, Shoup, Sloan, Smydth of D., Smith of F., Sweetser of M., Wilson and Mr. Speaker.—47.

And so said amendment was not adopted; when,  
On motion,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met pursuant to adjournment.

On motion of Mr. Walpole, a call of the House was ordered.

The roll being called,

Mr. Walpole moved that the names of the absentees be noted on the journal;

Which motion did not prevail.

When, on motion of Mr. Defrees,

The further proceedings in relation to the call were suspended.

The House then resumed the consideration of bill No. 148.

Mr. Terrell, then proposed the following amendment to the amendment of Mr. Smith of F.:

Provided, said Hensley's comply with the conditions in the 7th section of this act; and in case of their non-compliance, then and in that case, the Governor shall appoint some other person or persons superintendent or superintendents of said institution, according to the provisions of this act;

Which was accepted by Mr. Smith of F.

Mr. Cole, moved to insert in the 3d line of the 5th section, after the word "the" insert the word "comfortable;"

Which was agreed to.

Mr. Terrell moved to amend as follows:

Amend the second section by striking out all after the word "convicts," and insert:

"And the Governor shall appoint a physician to attend to the health of the prisoners, who shall visit the prison at least once per day, and oftener if necessary; and he shall annually report to the legislature, and monthly to the Governor, the condition of the prison, the discipline exercised over the convicts, and make such suggestions respecting improvements in the treatment of the prisoners and the discipline of the institution, as he may think best calculated to promote the interests thereof."

Which was adopted.



Mr. Clark of D., moved to amend the 11th section of the bill:

In section 11, strike out so much thereof as authorizes the superintendent or superintendents to employ a clerk, subject to the approval of the Governor, and insert the following:

“That a clerk shall be elected biennially, by joint ballot of both branches of the General Assembly.”

Which was adopted.

Mr. Cole moved the following amendment:

Amend the 15th section in the 11th line, after the word “persons,” and insert the words, ‘who shall be intelligent mechanics.’

Which was not adopted.

Mr. Walpole moved to re-commit the bill and amendments to a select committee, with the following instructions:

“To inquire whether the State Prison cannot be let out on more advantageous terms than those proposed by the present bill; and also to provide in said bill, that the legislature reserve to itself the power to amend, alter, modify, or repeal this act at any time.”

And the ayes and noes were demanded thereon by Messrs. Walpole and Brenton,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blankenship, Bowers, Bowles, Brenton, Burton, Butler of C., Byers, Carr, Casey, Chiles, Clark of D., Clark of F., Conner, Conwell, Dunbar, Durbin, Foote, Graham, Hamar, Harding, Jones, Kerr, Leslie, M’Crillis, M’Culley, Miller, Montgomery of W., Morgan, Peck, Rawlings, Ritchey, Rippey, Robbins, Ross, Rulon, Runyan, Schoonover, Shanks, Shawhan, Sloan, Walpole, Welch, and Wilson—45.

*Those who voted in the negative were,*

Messrs. Blair, Bradbury, Brown, Burgess, Butler of V., Champer, Chrisman, Clark of T., Coffeen, Cole, Defrees, Dowling, Dunn, Farrington, Freeman, Goodenow, Harrah, Harrison, Henley, Hiatt, Houghton, Howe, Jenckes, Kile, Lancaster, Lucas, Mason, Montgomery of G., Newell of F., Newell of W., North, Quick, Rayburn, Rose, Russell, Saylor, Shortridge, Shoup, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Sweetser of M., and Terrell—45.

So said bill and amendments were not re-committed.

On motion of Mr. Blair,

The vote on the adoption of the amendment offered by Mr. Smith of F., was re-considered.

And the question being, Shall said amendment be adopted?

And the ayes and noes being demanded thereon by Messrs. Jones and Brenton,

*Those who voted in the affirmative were,*

Messrs. Atherton, Bradbury, Burgess, Butler of V., Champer, Chrisman, Defrees, Dowling, Freeman, Goodenow, Henley, Howe, Jenckes, Kile, Lancaster, Lucas, Mason, Miller, Montgomery of G., Montgomery of W., Newell of F., Newell of W., Rayburn, Russell, Shortridge, Smydth of D., Smith of F., Stratton, Sweetser of G., and Terrell—29.

*Those who voted in the negative were,*

Messrs. Ball, Blair, Bowers, Bowles, Brenton, Brown, Butler of C., Burton, Byers, Carr, Casey, Chiles, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Conner, Conwell, Dunbar, Durlin, Elkins, Farrington, Foote, Graham, Hamar, Harding, Harrah, Harrison, Hiatt, Houghton, Jones, Kerr, Leslie, M'Crillis, M'Culley, Morgan, North, Peck, Quick, Rawlings, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Saylor, Schoonover, Shanks, Shawhan, Shoup, Sloan, Stanford, Sweetser of M., Walpole, Welch, and Wilson—60.

And so said amendment was not adopted.

Mr. Terrell moved to amend the 9th section of the bill, by striking out "four thousand," and insert "five thousand."

Which was not adopted.

Mr. Walpole moved to re-commit the bill and amendments to a select committee.

Which motion did not prevail.

Mr. Bowles moved to insert in 1st section 2nd line, "Shall appoint the individual or individuals who will give the greatest amount."

Which was disagreed to.

On motion of Mr. Cole,

The bill was further amended by adding the following proviso to the end of the 11th section:

*Provided*, That no person related to the superintendent or superintendents, shall be eligible to receive the office of Clerk.;

Mr. Terrell moved to amend the 4th line after '&c.' by adding the following:

"And he shall report annually to the legislature the moral condition of said institution."

Which was not adopted.

On motion of Mr. Clark of D.,

The 6th line of the 12th section, was amended by striking out "appointed," and inserting "elected."

On motion of Mr. Shoup,

The bill was further amended by striking out "&c. &c.," in the 2d line of the 4th section, and insert "all other articles necessary."

Mr. Durbin moved to amend the 4th line of the 17th section, by striking out "two hundred and fifty dollars," and insert "not to exceed \$600."

Mr. Burton moved to amend the amendment by striking out "\$600" and insert "\$250."

Which amendment to the amendment was not adopted.

The question then recurring on Mr. Durbin's amendment,

And the ayes and noes being demanded thereon by Messrs. Walpole and Rulon,

*Those who voted in the affirmative were,*

Messrs. Clark of D., Clark of T., Dowling, Durbin, Henley, Jenckes, Jones, Newell of F., Read, and Wilson—10.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brown, Burgess, Burton, Butler of C., Butler of V., Byers Carr, Casey, Champer, Chrisman, Clark of F., Coffeen, Cole, Conner, Conwell, Defrees, Dunn, Dunbar, Elkins, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Kerr, Kile, Lancaster, Leslie, Lucas, Mason, M<sup>c</sup>Crillis, M<sup>c</sup>Cully, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Peck, Quick, Rawlings, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, and Walpole—78.

So said amendment was not adopted.

Mr. Dunn moved to re-commit the bill to a select committee, with the following instructions:

"That the committee be instructed to receive sealed proposals until the 25th instant, on the subject of farming out the State Prison, and report the result to the Governor."

When Mr. Stanford moved the previous question;

Which being seconded by a majority of the members present, the said previous question was then put, viz:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, viz:

Shall the bill and amendments be engrossed and read a third time to-morrow.

And decided in the affirmative.

The Speaker laid before the House a communication from the Secretary of State, enclosing several letters from Milton Stapp, Esq., Fund Commissioner, in relation to the contract for rail road iron, made with the Morris Canal and Banking Company,

Which were read, and,

On motion of Mr. Graham,

Referred to the committee on Canals and Internal Improvements.

The House then continued the orders of the day, being bills on the second reading.

No. 204—For the relief of Azer Charles,

Was read a second time and ordered to be engrossed.

No. 205—Defining the manner of electing Senators and Representatives in the counties of Madison and Hancock,

Was read a second time and referred to a select committee consisting of Messrs. Walpole, Atherton and Robbins.

Mr. Dunn moved that the committee of the whole be discharged from the further consideration of bill No. 100, "to provide in part for the payment of the state debt," and that the bill be placed in its order upon the files,

Which motion prevailed,

And the committee was so discharged.

No. 16—An engrossed joint resolution of the Senate "on the subject of the public lands of the United States,"

Was read a second time, when,

On motion of Mr. Mason,

It was laid on the table.

No. 63 of the Senate, "in relation to the tolls upon the public works in Indiana,"

Was read a second time, when,

On motion of Mr. Clark of D.

It was referred to the committee on Canals and Internal Improvements.

No. 68 of the Senate, "to authorize the board doing county business in Switzerland county to establish a toll bridge over Indian creek in said county.

Was read a second time and referred to the committee on corporations.

No. 69 of the Senate, "relative to officers of state, and the Governors House;

Was read a second time, when,

Mr. Dowling moved to amend the bill by adding as an additional section, the following:

"That the Auditor of State be directed to purchase for the Governor's House such suitable articles of substantial furniture as may seem necessary, provided that the expenditure shall not exceed five hundred dollars."

And the ayes and noes being demanded by Messrs. Dowling and Freeman,

*Those who voted in the affirmative were*

Messrs. Champer, Clark of Dearborn, Cole, Coleman, Conner, De-frees, Dowling, Dunn, Farrington, Freeman, Harding, Howe, Jenckes, Kile, Lancaster, Miller, Newell of White, Rawlings, Robbins, Run-

yan, Smydth of D., Smith of F., Sweetser of Grant, Sweetser of M., Terrell, and Wilson—26.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Brown, Burgess, Burton, Butler of Cass, Butler of Vanderburgh, Byers, Carr, Chrisman, Clark of Fountain, Clark of T. Coffeen, Conwell, Dunbar, Durbin, Foote, Graham, Hamer, Harrah, Harrison, Henley, Hiatt, Houghton, Jones, Kerr, Leslie, Lucas, Mason, McCully, Montgomery of G., Morgan, North, Peck, Read, Rayburn, Ritchey, Rippey, Rose, Ross, Rulon, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Stanford, Strattan, and Walpole—57.

And so said amendment was not adopted.

The question then recurring "Shall the bill pass to a third reading? It was decided in the affirmative.

No. 75 of the Senate—"To locate a certain state road therein named,"

Was read a second time and referred to the committee on roads.

No. 77 of the Senate, "for the creation of a school district therein named,"

Was read a second time, and referred to a select committee consisting of Messrs. Strattan, Mason and Rose.

No. 79 of the Senate "to authorize school commissioners to refund money in certain cases therein named,"

Was read a second time and referred to a select committee consisting of Messrs. Sweetser of M., Conner and Morgan.

**BILLS OF THE HOUSE.**

No. 210—For the location of a state road in the counties of Harrison and Crawford,

Was read a second time and ordered to be engrossed for a third reading.

No. 211—To incorporate the town of Moorsville in Morgan county,

Was read a second time, when,

Mr. Ritchey asked and obtained leave to present the remonstrance of sundry citizens of Morgan county against the extension of the limits of said town, and moved that the bill and remonstrance be referred to the committee on corporations,

Which motion prevailed, and the bill and remonstrance were so referred.

No. 212—Relative to the vacating of Spring street in the town of Covington, in Fountain county,

Which was read a second time and ordered to be engrossed for a third reading.

No. 70 of the Senate, to amend an act entitled "an act to incorporate the town of Newcastle in the county of Henry," approved February 6, 1839.

Was read a second time and passed to a third reading.

No. 78 of the Senate, "to amend the act authorizing the seizure of boats and other vessels for debt," approved February 17, 1838.

Was read a second time and referred to the committee on the judiciary.

#### BILLS OF THE HOUSE.

No. 213—To establish permanent corners to the streets, alleys and lots in the town of Corydon,

Was read a second time and ordered to be engrossed for a third reading,

No. 215—Respecting the Richmond and Brookville Canal Stockholders,

Was read a second time and referred to the committee of ways and means.

No. 216—To locate a certain state road in the counties of Fountain and Warren,

Was read a second time and referred to the committee on roads.

Mr. Conner moved that the committee of the whole, to whom were referred bills

No. 151—To extend the time of payment to borrowers of the Sinking Fund, and of the Surplus Revenue, and

No. 168—To amend an act approved Feb. 6, 1837, entitled, "an act to provide for distributing so much of the Surplus Revenue, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved June 23d, 1836,

Be discharged from the further consideration thereof.

Which motion prevailed and the committee were discharged.

No. 151, (as above recited) was then read a second time, when,

Mr. Dunn moved that it be laid on the table,

Which was decided in the affirmative.

No. 168 (as above recited) was then read a second time, and ordered to be engrossed for a third reading on to-morrow.

The orders of the day being gone through with,

Mr. Bowles asked and obtained leave to introduce

Bill No. 221—To amend an act incorporating the Seminary in the county of Gibson, and for other purposes," approved January 21st, 1826, so far as relates to the Orange county Seminary.

Which was read two several times, the rules being suspended, and referred to the committee on corporations.

Mr. Butler asked and obtained leave to introduce

Bill No. 222—To provide for the payment of the debt due the branch at Evansville of the State Bank of Indiana,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Miller asked and obtained leave to introduce

Bill No. 223—To legalize and give effect to certain official acts of the late Clerk of the Floyd circuit court."

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary,

Mr. Leslie asked and obtained leave to introduce

Bill No. 224—To amend an act entitled "an act to provide for the election of an additional justice of the peace and constable, in Morgan township in the county of Harrison,

Which was read a first and second times, the rules being suspended, and ordered to be engrossed for a third reading on to-morrow.

Mr. Jones asked and obtained leave to introduce

No. 225—A joint resolution respecting the journals of the proceedings of the General Assembly.

Which was read a first time and passed to a second reading on to-morrow.

Mr. Peck asked and obtained leave to offer the following resolution:

*Resolved*, That the committee of ways and means be instructed to inquire into the expediency of so altering the mode of assessing and collecting the revenue for Internal Improvement purposes in Indiana, in the following proportion, to-wit:

All lands lying within five miles of any line of public works that may be completed or under prosecution, to be charged thirty cents on every hundred dollars valuation.

All lands lying over five and under ten miles of any line of said works, to be charged twenty-five cents on each hundred dollars valuation.

All lands lying over ten miles from said works to be charged twenty cents on each hundred dollars valuation.

Any amount of revenue necessary for defraying the expenses incurred from Internal Improvements, to be assessed and collected in the above named proportion, whether the same be more or less.

Which, On motion of Mr. Chiles,

Was laid on the table.

Leave was asked and obtained to introduce bills

By Mr. Harding, No. 226—To amend an act for the relief of the poor," approved Feb. 17, 1838, so far as the same relates to Marion county,

By Mr. Defrees, No. 227—A joint resolution for the benefit of St. Joseph county.

By Mr. Newell of W., No. 228—A joint resolution relative to the extension of pre-emption rights.

Which bills and joint resolutions were severally read the first time and passed to a second reading on to-morrow.

Leave was then asked and obtained to introduce bills,

By Mr. Farrington,

No. 229—a joint resolution providing for a correspondence between the Executives of Indiana and Ohio, in reference to the completion of the Wabash and Erie canal;

By Mr. Runyan,

No. 230, a bill to legalize the election of Probate judge in Kosciusko county;

Which were severally read, and passed to a second reading on to-morrow.

Mr. Smydth of D. asked and obtained leave to offer the following resolution:

*Resolved*, That the judiciary committee be instructed to enquire into the expediency of so amending the statute in relation to the partition of real estate, that actual notice shall be served upon all resident defendants in the county where such suit may be commenced.

And also, of so amending the act regulating the practice at law that amendments may be made on the same terms in appeals, as in original actions.

And also, whether the last proviso of the second section of the statute of descents does not require amendment; with leave to report by bill or otherwise.

Which resolution was adopted.

Leave was asked and obtained by Mr. Byers to introduce bill,

No. 231—providing for the opening and repairing public roads and highways in the county of Monroe;

By Mr. Burton, to introduce,

No. 232—a joint resolution in relation to the condition of state bonds passed from the agents of the state, without payment;

By Mr. Clark of D., bill,

No. 233—to repeal an act entitled an act to repeal a certain act in Dearborn county, therein named, approved Feb. 5, 1839;

Which bills and joint resolution were severally read and passed to a second reading on to-morrow.

Mr. Shanks made the following report:

Mr. SPEAKER—

The committee on engrossed bills have compared the engrossed with the original bills of the House of the following titles:

No. 182, to confirm to John and Comegys certain water power therein named;

No. 193, to provide for the completion of that part of the Cross-cut canal, which lies between Terre-Haute and the feeder dam in Clay county;



No. 207, to incorporate the trustees of the parsonage of the Methodist Episcopal Church of the Brookville circuit;

No. 206, to amend an act entitled an act to incorporate the Liverpool bridge company;

And find the same correctly engrossed.

Mr. Byers made the following report:

Mr. SPEAKER—

The joint committee on enrolled bills, report that they have compared the enrolled with the engrossed bills of the Senate of the following titles, and find them duly enrolled, to-wit:

No. 81, an act to regulate the times of holding courts in the several counties in the ninth judicial circuit.

No. 72, an act to fix the time of holding probate courts in Fayette county.

No. 59, an act to repeal part of an act entitled an act relative to the New Albany and Vincennes M'Adamized road and for the better regulation thereof, and for other purposes, approved Feb. 22, 1840.

No. 31, an act to authorize the Governor of this state to order a special election for representatives in Congress.

Mr. Butler of C. made the following report:

Mr. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of the following titles, and find the same duly enrolled, to-wit:

No. 69, an act to authorize the building of a bridge across Laughery creek, in Ripley county.

No. 79, an act to prohibit the making, issuing or circulation of small notes or bills.

Also No. 60, of the Senate, an act to incorporate the Indiana iron manufacturing company.

Mr. SPEAKER—

The joint committee on enrolled bills report that they did this day present to his excellency, the Governor, for his approval and signature the following entitled acts, to wit:

No. 69, an act to authorize the building of a bridge across Laughery creek in Ripley county.

No. 79, an act to prohibit the making, issuing, or circulation of small notes or bills.

The following message was received from the Governor by Mr. Moore, his private secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives that on this day he has approved and signed:

An act to authorize the building of a bridge across Laughery creek in Ripley county;

An act to prohibit the making, issuing, or circulating small notes or bills;

Which originated in the House of Representatives.

Mr. Sweetser of G., asked and obtained leave to offer the following resolution:

*Resolved*, That the committee on claims enquire into the justice of allowing Henry Boles collector of the state revenue of Huntington, county, for the year 1838, thirteen dollars and thirty-one cents; which amount was overpaid by the said Boles, as shown by the letter of the Auditor of Public Accounts herewith submitted.

Which resolution was adopted.

Leave was asked and obtained by Mr. Reyburn, to introduce bill, No. 234—authorizing the survey of a canal from Peru to the head of Salt river, and the Erie and Michigan canal;

By Mr. Carr, to introduce,

No. 235—a joint resolution relative to the sale of state bonds;

By Mr. Runyan, to introduce bill,

No. 236, amendatory of an act locating a state road;

By Mr. Burton, to introduce bill,

No. 237, to repeal the 14th section of an act entitled an act in relation to state roads, approved Feb. 24, 1840;

By Mr. Chiles, to introduce bill,

No. 238, to incorporate the Knox county saving's institution;

By Mr. Walpole, to introduce bill,

No. 239, prohibiting the sale of state bonds for internal improvements and other purposes, on time;

By Mr. Shoup, to introduce bill,

No. 240, for the relief of John Elden;

By Mr. Burton, to introduce bill,

No. 241, to authorize the citizens of Clay county to drain the round pond;

Which bills and joint resolution were severally read, and passed to a second reading on to-morrow.

On motion,

The House adjourned until to-morrow morning 9 o'clock,

THURSDAY, JAN. 21, 1841.

The House met pursuant to adjournment.

Mr. Brenton presented the petition of Henry Marvin and others;

Which was referred to a select committee of Messrs. Brenton Bowers and Harrison.

Mr. Clark of T., presented a petition and remonstrance of the citizens of Lafayette, on the subject of incorporating said town;

Which was referred to a select committee of Messrs. Clark of T., Shortridge and Wilson.

The following message was received from the Senate by Mr. Parker, a member:

MR. SPEAKER;

I am requested by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill thereof, entitled:

No. 90, an act to amend "an act relative to crime and punishment," approved Feb. 10. 1831;

In which the concurrence of the House of Representatives is respectfully requested.

Bill No. 90, named in the message, was read the first time, and passed to a second reading.

The following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER:

The Senate has concurred in the amendment made by the House of Representatives to the bill of the Senate No. 44, to provide for public printing, and for the distribution of the laws and journals, approved Feb. 16, 1839.

The Senate has passed without amendment, engrossed bills of the House of Representatives as follows, viz:

No. 169, an act legalizing the acts of William G. Thomas, school commissioner of Spencer county, and for other purposes;

No. 185, an act declaring Patoka a public high way, and for other purposes;

And also engrossed bills of the Senate, entitled as follows, viz:

No. 105, to extend a certain street in the town of Bloomington, and for other purposes;

No. 106, to revive an act authorizing Thomas Goudy to build a dam across Eel river in Wabash county, and repeal an act repealing the same;

In which bills of the Senate, the concurrence of the House is respectfully requested.

Bills No. 105 and 106, named in the message were read the first time, and passed to a second reading on to-morrow.

Mr. Butler of V., presented the petition of Patrick M'Ginley;

Which was referred to the committee on Canals and Internal Improvements.

Mr. Bowers, presented the petition of Jacob Fielding, and other citizens of Dearborn and Ripley counties, who are upwards of fifty years of age, concerning the road law;

Which was referred to the committee on roads.

Mr. Howe made the following report:

MR. SPEAKER;

The committee on the judiciary, to which was referred the petition of O. B. Jones and others, praying a repeal of the act requiring blacks to give security not to become a county charge; having considered the same, and ask leave to be discharged from the further consideration of the same;

The report was concurred in, and the committee discharged.

Mr. Harrah made the following report;

M. R. SPEAKER;

The committee on military affairs, to whom was referred a resolution of the House, instructing them to report a bill providing for voluntary enlistment, of one or more light companies in each county in the state, and for the safe keeping and preservation of the public arms, and the repeal of the present militia system; and that the members of said light companies shall be exempt from serving on juries, and working on high ways: Also a resolution enquiring what amendments if any, are necessary to the act entitled an act for the better regulation of the militia of the state of Indiana, approved February 14, 1840: Also two several petitions, one from citizens of Pike county, and the other from sundry citizens of Morgan county upon the same subject; have had said resolutions and petitions under consideration, and have directed me to report that it is not advisable to legislate upon that subject at this time, and ask to be discharged from the further consideration of the same;

The report was concurred in, and the committee discharged.

Mr. Brenton made the following report:

MR. SPEAKER;

The select committee to whom was referred the petition of Henry H. Marvin, et al. praying the passage of a special act for the relief of Edmund Clark, collector of Hendricks county; have had the same un-

der consideration, and instructed me to report the following bill, and recommend its passage:

The bill No. 242, (named in the report) for the relief of Edmund Clark, collector of Hendricks county;

Which was read three several times, (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

Mr. Atherton made the following report:

Mr. SPEAKER;

The committee to whom was referred a petition of sundry citizens of Madison county praying for a repeal of an act regulating the jurisdiction of justices of the peace in said county, approved February 17, 1838; have according to order had the same under consideration, and have directed me to report a bill in accordance with the prayers of said petitioners:

Said bill No. 243, repealing an act regulating the jurisdiction of justices of the peace in Madison county, approved February 17, 1838;

Was read the first, second and third times, (rules being suspended) and passed.

Ordered that the Senate be informed thereof.

Mr. Defrees, having obtained leave made the following report;

MR. SPEAKER—

The committee on canals and internal improvements to whom was referred the petition of J. B. Moulton, George D. Prentice and George W. Weissinger, have had the claim therein set forth under consideration and have directed me to report the following bill,

No. 244—For the relief of J. B. Moulton, George D. Prentice and George W. Weissinger, contractors to construct the Silver Creek bridge on the Jeffersonville and Crawfordsville road,

Which was read the first time and passed to a second reading on tomorrow.

The House then resumed the consideration of the report of Mr. Sweetser of Marion, which was under consideration when reports from committees were last in order.

And the question being on the appeal from the decision of the chair taken by Mr. Walpole,

And the question being, Shall the decision of the chair stand as the judgment of the House?

Which passed in the affirmative.

So the decision of the chair was sustained.

The question then recurred on concurring in the report of the committee as reported by Mr. Sweetser of M.,

And the ayes and noes being demanded thereon by Messrs. Bowles and Henley.

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Chiles, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Farrington, Foote, Freeman, Goodenow, Harding, Harrah, Harrison, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Mason, Montgomery of Gibson, Morgan, Newell, North, Peck, Quick, Rayburn, Rose, Ross, Runyan, Russell, Saylor, Shawhan, Shortridge, Sloan, Smith of F., Stanford, Strattan, Sweetser of G. Sweetser of M., Terrell, Wilson, and Mr. Speaker—59.

*Those who voted in the negative were*

Messrs. Blair, Bowles, Burton, Byers, Carr, Casey, Chrisman, Dunbar, Graham, Hamer, Henley, Leslie, McCrillis, McCulley, Miller, Montgomery of Warren, Rawlings, Rippey, Schoonover, Shanks, and Shoup—22.

And so said report was concurred in.

On motion of Mr. Carr,

*Resolved*, That this House will, the Senate concurring therein, proceed to the election of state printer on to-morrow at two o'clock, P. M., by joint ballot.

On motion of Mr. Hamer,

*Resolved*, That the Treasurer of State inform this House, by furnishing the names and counties of such agents of the surplus revenue as have failed or refused to pay over any moneys in their hands, or neglected to report to the Treasurer of State as provided in the acts of 1837, also the time of such failure or neglect, and the date of the suits brought against such agents.

Mr. Cole offered for adoption the following,

*Resolved*, That the committee on roads be instructed to report a bill in conformity with the prayer of the petition of Jacob Fielding and others.

Which was not adopted.

Mr. Blair offered the following preamble and resolution,

*Whereas*, Wm. Huffman of the county of Decatur and his wife, with an infant babe, have been by the authority of law compelled to travel twice to Greencastle, in Putnam county, as witnesses in the trial of Thompson for the murder of Rynearson. The said Huffman is a man

in moderate circumstances, and has been compelled to be at considerable expense in attending said trial. Therefore,

*Resolved*, That the committee on claims be instructed to inquire into the expediency of making a reasonable allowance to the said William Huffman for his expenses; and report by bill or otherwise.

Which was adopted.

Mr. Mason introduced a joint resolution,

No. 215—Concerning the arms of the United States now in this State,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Terrell introduced a bill,

No. 246—To amend an act entitled "an act to amend the several acts of this State, relative to taking up of animals going astray and water crafts and other articles of value adrift," approved February 24th, 1840,

Which was read the first time and passed to a second reading on to-morrow.

On motion of Mr. Clark of T.,

The previous order of business was suspended, and the House took up bill

No. 161—"Prescribing the duties of County Auditor,"

Mr. Jenckes moved to amend said bill as follows:

Insert "probate judge or member of the Legislature after judges of circuit courts" in 1st line of the 7th section.

Which amendment was adopted.

The bill and amendments were then ordered to be engrossed for a third reading on to-morrow.

The House then took up bill

No. 162—"A bill for the election of County Assessor,"

When the 1st and 3d amendments made in committee of the whole were concurred in, and the 2d amendment was not concurred in.

The bill and amendments were then ordered to be engrossed for a third reading on to-morrow.

The House then took up bill

No. 163—"A bill prescribing the duties of County Treasurer."

And concurred in the first, second, third and fourth amendments made in committee of the whole.

Said bill and amendments were then ordered to be engrossed and read a third time to-morrow.

The House then took up bill No. 164, a bill pointing out the mode of levying taxes;

When the 1st, 2nd, 3rd, 6th, 7th, 9th, 10th, and 11th, amendments made in committee of the whole were concurred in.

Mr. Clark of T., moved to amend the 4th amendment, by striking out "fifty;" and inserting "twenty-five;"

Which was adopted, and the amendment as amended was concurred in.

Mr. Sweetser of G., moved to amend the 5th amendment made in committee of the whole, as follows:

“Provided, That in no case shall said travelling merchants or pedlars, be entitled to a license for any term of time for a less sum than five dolliars.”

Which was adopted, when the amendment as amended was concurred in.

Mr. Clark of T., moved to amend the 9th amendment of the committee as follows: Strike out “freeholder” and insert “householder;”

Which was adopted, when the amendment as amended was concurred in.

The 8th amendment of the committee was not concurred in.

Mr. Terrell moved to amend the 17th section of the bill, as follows:

“That no person shall receive any license but upon the petition of a majority of the voters of the said town or township.”

Which was adopted.

Mr. Chiles moved to amend by striking out the 16th section; which was not agreed to.

Mr. Shawhan moved the following amendment, after the word “expressed,” in the 12th line:

“Provided however, that no person shall obtain a license to keep a grocery, with the privilege to retail spirituous liquors, before such applicant shall have given notice of such intended application, by posting up two or more notices in the most public places in the town or township, where such grocery is intended to be kept.”

Which was not adopted.

On motion of Mr. Foote,

The bill was amended by striking out the word “two,” and inserting “one,” in the last line.

Mr. Sweetser of M., moved to amend the 2nd line of the 16th section, at the end thereof, by adding the words “each year.”

Which was adopted.

Mr. Brenton moved to amend the 13th line of the 1st section by inserting after “16th and other school sections,” the word “hereafter.”

Which was not adopted.

Mr. Clark of D., offered the following amendment, in 35th line of 6th article, 16th section, strike out “ten fold,” and insert “four fold.”

Which was agreed to.

Mr. Burton moved so to amend the 9th line, 17th section, as to read “any township or incorporated town.”

Mr. Blankenship moved to lay said amendment on the table.

Which motion prevailed.

Mr. Jenckes moved the following amendment:

Strike out last line of 2nd section “one hundred dollars of personal property on each and every tax payer shall be exempt from taxation.”



And the ayes and noes being demanded thereon by Messrs. Jenckes and Blair,

*Those who voted in the affirmative were,*

Messrs. Blair, Brown, Butler of V., Clark of T., Cole, Conner, Conwell, Dowling, Dunn, Farrington, Foote, Freeman, Goodenow, Graham, Harrah, Harrison, Hiatt, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Miller, Montgomery of G., North, Peck, Robbins, Ross, Russell, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Terrell, Welch, and Wilson—43.

<sup>101.</sup>  
*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blankenship, Bowers, Bowles, Brenton, Burgess, Burton, Butler of C., Byers, Carr, Casey, Champer, Chrisman, Clark of D., Coffeen, Coleman, Dunbar, Durbin, Elkins, Hamer, Harding, Houghton, Leslie, Lucas, M'Cully, Montgomery of W., Rawlings, Read, Rayburn, Ritchey, Rippey, Rose, Runyan, Saylor, Shoup, Sweetser of G., and Mr. Speaker—39.

And said amendment was adopted.

Mr. Walpole moved to amend the 5th clause of the 12th section, by striking out all after the word "years," in the 28th line of said section.

Which amendment was adopted.

On motion of Mr. Smith of F.,

The bill was amended by striking out 'all' before 'bill,' in the 19th line of the 1st section.

Mr. Bowers moved the following amendment:

Strike out the words "not exceeding two to each family," in the 15th line of section 2nd.

Which motion was not agreed to.

Mr. Durbin moved the following proviso to the second section:

"Provided, That nothing in this section shall be so construed as to prevent widows from being exempt."

Which was not adopted.

Mr. Cole moved to insert the following in the second section, in place of the words stricken out:

"Such property as shall be exempt by law from execution, and shall have been actually set apart to the owner under the several laws now in force regulating judgments and executions."

Which amendment was not agreed to.

Mr. Rippey moved to amend by inserting after the words "all lands with the improvements thereon," so as to make it read as follows: "all lands with the improvements thereon sold by Congress, until the term of five years shall have expired from the day of sale."

Which motion was decided in the negative.

Mr. Runyan offered the following amendment:

Amend the 16th section at the end of the second paragraph, by adding the following proviso:

“Provided, That the board doing county business may, in their discretion, issue two such licenses to tavern keepers in any village or town containing less than 500 inhabitants, at \$10 each,”

Which was also lost.

Said bill and amendments were then ordered to be engrossed for a third reading.

On motion of Mr. Dunn,

The committee of the whole House, to which bills No. 165 and 166 had been referred, was discharged from the further consideration of the same.

And said bills were then laid upon the table.

On motion of Mr. Shawhan,

The previous order of business was suspended, and the House went into consideration of bill No. 100, to provide in part for the payment of the interest on the public debt.

Mr. Saylor moved to strike out the 8th section thereof.

Mr. Judah offered the following:

Provided further, That said bank shall not be allowed to issue more notes in amount than is now authorized by the charter.

Which amendment was agreed to.

On motion of Mr. Freeman,

Mr. Saylor's amendment was laid upon the table.

Mr. Judah offered the following amendment:

Strike out section 7, and insert,

“That at the commencement of each month, the Cashier of the State Bank shall report to the Treasurer of State and Auditor of Public Accounts, an account of the amounts of the notes and bills discounted by each branch during the preceding month, and of the profits accruing to each branch by reason thereof.

“At the end of each month, the Cashier of each branch shall pass to the credit of the Treasurer of State the full amount of the one-seventh part of all interest taken by his branch, during the month then ended, on the discount of notes and bills; and shall, from time to time, pay the same to the Treasurer on the warrant of the Auditor of Public Accounts.”

Which amendment was adopted.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

On motion of Mr. Blankenship,

A call of the House was ordered.

After some progress therein, the call was suspended.

Leave of absence was granted to Messrs. Newell of W. and Kile, in consequence of indisposition.

The House then resumed the consideration of bill No. 100.

Mr. Farrington moved to strike out the 9th section thereof.

The ayes and noes being requested thereon by Messrs. Judah and Blankenship,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Bowles, Bradbury, Brown, Burgess, Burton, Butler of C., Byers, Carr, Casey, Champer, Chrisman, Clark of F., Clark of D., Clark of T., Cole, Coleman, Conner, Dowling, Dunn, Dunbar, Farrington, Foote, Goodenow, Harding, Henley, Hiatt, Jenckes, Kerr, Lancaster, Lucas, M'Cully, Montgomery of G., Montgomery of W., North, Peck, Rawlings, Read, Ritchey, Rippey, Ross, Runyan, Russell, Saylor, Schoonover, Shanks, Shortridge, and Sweetser of M.—49.

*Those who voted in the negative were,*

Messrs. Blair, Blankenship, Bowers, Brenton, Butler of V., Chiles, Coffeen, Conwell, Durbin, Elkins, Freeman, Graham, Hamer, Harrah, Harrison, Houghton, Howe, Jones, Leslie, M'Crillis, Miller, Morgan, Quick, Rayburn, Robbins, Rose, Shawhan, Shoup, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Terrell, Walpole, Wilson, and Mr Speaker—37.

So said 9th section was stricken out.

Mr. Bowles moved to strike out the sixth section.

And the ayes and noes being called for by Messrs. Judah and Walpole,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Bowles, Bradbury, Brown, Burgess, Byers, Carr, Casey, Chrisman, Clark of D., Clark of F., Clark of T., Cole, Coleman, Conner, Conwell, Dowling, Dunn, Dunbar, Farrington, Foote, Goodenow, Graham, Harding, Henley, Hiatt, Jenckes, Kerr, Lancaster, Lucas, M'Crillis, M'Culley, Montgomery of G., North, Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rose, Runyan, Russell, Saylor, Schoonover, Shanks, Shortridge,

Shoup, Sloan, Stanford, Stratton, Sweetser of G., Sweetser of M., Walpole, and Wilson—60.

*Those who voted in the negative were,*

Messrs. Blankenship, Bowers, Brenton, Butler of C., Butler of V., Chiles, Coffeen, Durbin, Elkins, Hamar, Harrah, Houghton, Howe, Jones, Leslie, Miller, Montgomery of W., Morgan, Shawhan, Smydth of D., Terrell, and Mr. Speaker—23.

So said 6th section was stricken out.

Mr. Bowles moved that said bill and amendments be indefinitely postponed.

When Mr. Durbin moved that they lay on the table.

And the ayes and noes being demanded by Messrs. Rippey and Bowles,

*Those who voted in the affirmative were,*

Messrs. Bowles, Brenton, Burton, Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of F., Dowling, Dunbar, Durbin, Elkins, Foote, Henley, Houghton, Jones, Leslie, Lucas, M'Cully, Read, Ritchey, Rippey, Rose, Runyan, Schoonover, Shanks, Sloan, and Walpole—31

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Brown, Bradbury, Burgess, Butler of C., Butler of V., Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Dunn, Farrington, Freeman, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Kerr, Lancaster, M'Crillis, Miller, Morgan, Montgomery of G., Montgomery of W., North, Peck, Quick, Rawlings, Rayburn, Robbins, Ross, Russell, Saylor, Shawhan, Shortridge, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, and Wilson—54.

So said bill was not laid on the table.

The question then recurred on Mr. Bowles' motion to indefinitely postpone.

And the ayes and noes being requested thereon by Messrs. Bowles and Saylor,

*Those who voted in the affirmative were,*

Messrs. Atherton, Bowers, Bowles, Brenton, Burton, Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of F., Dowling, Dunbar, Graham, Henley, Houghton, Leslie, Lucas, M'Culley, Rawlings, Read, Ritchey, Rippey, Rose, Saylor, Schoonover, Shanks, Shoup, Sloan, and Walpole—31.

*Those who voted in the negative were,*

Messrs. Ball, Blair, Blankenship, Bradbury, Brown, Burgess, Butler of C., Butler of V., Clark of D., Clark of T., Coffeen Cole, Coleman, Conner, Conwell, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hamar, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Kerr, Lancaster, M'Crillis, Miller, Montgomery of G., Morgan, North, Peck, Quick, Rayburn, Robbins, Ross, Runyan, Russell, Shawhan, Shortridge, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Sweetser of M., Terrell, Wilson, and Mr. Speaker—54.

So said bill No. 100, was not indefinitely postponed.

Mr. Sweetser of M. moved to recommit the bill to the committee of the whole House, and make it the order of the day for to-morrow; Which did not prevail.

When, on motion of Mr. Morgan,

Said bill was committed to a select committee, consisting of Messrs. Morgan, Stanford, Farrington, Smith of F. and Butler of Vanderburgh.

Mr. Read moved to instruct the committee to inquire into the expediency of establishing additional branches instead of increasing the capital of the branches now established.

Mr. Conwell, moved the following amendment to the instructions:

Sec. That it is hereby made the duty of the state bank and branches, to issue post notes payable one year after date, equal to the amount of treasury notes now in circulation, in \$5, 10, 20 and 50 dollar notes, to be applied to the redemption of the treasury notes now in circulation; and in case the state shall fail to pay the banks the amount of treasury notes so redeemed, within the time the post notes has to run, in that case the banks shall have the privilege of re-issuing the aforesaid post notes, provided that a greater amount of post notes shall not be issued than is necessary to redeem the treasury notes aforesaid.

On motion of Mr. Dunn,

Said instructions and amendments were laid on the table.

Mr. Smydth of D. moved the following instructions:

To strike out that part of the bill which provides for the issue of notes of a less denomination than five dollars;

Mr. Smith of F. moved to lay the instructions on the table;

The ayes and noes were demanded by Messrs. Smydth of D. and Terrell;

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bradbury Brenton, Brown, Burgess, Butler of C., Butler of V., Champer, Chiles, Coffeen, Cole, Conner, Dowling, Dunn, Elkins, Farrington, Foote, Freeman, Goodenow Harding, Harrison, Houghton, Jenckes, Jones, Lancaster, M'Crillis, Miller, Morgan, North, Peck, Rawlings, Rayburn, Robbins, Ross, Runyan, Russell, Shawhan, Shortridge, Sloan, Smith of F.,

Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell and Wilson—49.

*Those who voted in the negative were,*

Messrs. Bowers, Bowles, Burton, Byers, Casey, Chrisman, Clark of D., Clark of F., Clark T., Coleman, Dunbar, Durbin, Graham, Hamer, Harrah, Henley, Howe, Kerr, Leslie, Lucas, McCully, Montgomery of G., Montgomery of W., Quick, Read, Ritchey, Rippey, Rose, Saylor, Schoonover, Shanks, Smydth of D., Walpole and Mr. Speaker—35.

So said amendment and instructions were laid upon the table.

Mr. Shanks made the following report:

Mr. SPEAKER;

The committee on engrossed bills, have compared the engrossed with the original bills of the House; as follows:

No. 168, to amend an act, approved Feb. 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana, may be entitled to, and receive by virtue of an act of Congress, approved June 23d, 1836.

No. 204, for the relief of Azor Charles;

No. 210, for the location of a state road in the counties of Harrison and Crawford.

No. 212, to vacate spring street, in the town of Covington, in Fountain county;

No. 213, to establish permanent corners to the streets, alleys and lots in the town of Coryden;

No. 224, to amend an act, to provide for the election of an additional justice of the peace, and constable, in Morgan township, in Harrison county;

And find the same correctly engrossed.

Mr. Byers made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report, that they have compared the engrossed with the enrolled bills which originated in the Senate, and find them duly enrolled as follows, to-wit:

No. 36, an act for the relief of John Brookbank, of Carroll county;

No. 44, an act to amend an act entitled an act to provide for public printing, and for the distribution of the laws and journals, approved Feb. 16, 1839.

The Speaker laid before the House, a communication from Milton Stapp, Fund Commissioner;

Which was read and laid on the table.

The House then took up the orders of the day.

No. 69, an engrossed bill of the Senate, relative to the officers of state, and the Governor's House;

Was read the third time; when,  
Mr. Clark of T. moved to amend the title, by striking out the words  
“and the Governor’s *House*;”

Which amendment was consented to;

And said bill passed.

Ordered that the clerk inform the Senate thereof.

No. 70, a bill of the Senate to amend an act entitled, an act to incorporate the town of New Castle, in the county of Henry, approved February 6th, 1839.

No. 204, an engrossed bill of the House, for the relief of Azor Charles.

No. 210, an engrossed bill for the location of a state road in the counties of Harrison and Crawford;

Were severally read the third time and passed.

Ordered that the Senate be informed thereof.

No. 168, an engrossed bill, to amend an act entitled, an act to provide for distributing so much of the surplus revenue of the United States, as the state of Indiana may be entitled to, and receive by virtue of an act of Congress, approved June 23d, 1836;

Was read the third time, and

On motion of Mr. Champer,

Was recommitted to a select committee of Messrs. Champer, Lancaster and Conner.

On motion,

The House adjourned until to-morrow morning 9 o’clock.

FRIDAY, JAN. 22, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Colum, their assistant secretary:

MR. SPEAKER:

I am directed to inform the House of Representatives that the Senate has reciprocated the resolution of the House of Representatives, providing for proceeding to-morrow, at 2 o’clock to the election of state printer by joint ballot.

Messrs. Armstrong and Berry are appointed tellers on the part of the Senate.

The following message was received from the Senate by Mr. Maguire their Secretary.

Mr. SPEAKER—

The Senate has passed engrossed bills of the House of Representatives, entitled as follows viz:

No. 73, an act for the preservation of Sheep, with amendments;

No. 90, an act to amend an act to authorize Daniel I. and Isaac Hancock to build a toll bridge across South Hogan, without amendment;

No. 94, an act to regulate the receipt and disbursement of the internal improvement fund; without amendment.

No. 95, an act to provide for the selection of grand and petit jurors, without amendment;

No. 97, an act to incorporate the Maumee and Wabash canal company, without amendment;

No. 113, an act for the relief of the collectors for Harrison county and for other purposes, with amendments;

No. 129, an act for the incorporation of the Bristol manufacturing company, with amendments;

No. 156, an act for the relief of school district No. 3 in township No. 6 south of range, No. 10 west, in Vanderburgh county, with amendments;

No. 181, an act to re-appropriate certain moneys therein named, without amendment; and

No. 184, an act to amend an act entitled an act subjecting real and personal estate to execution, approved February 4, 1831, with amendments;

In which amendments to bills, No. 73, 113, 129, 156, and 184, the concurrence of the House is requested.

The Senate has also passed engrossed bills thereof, entitled as follows, viz:

No. 73, to amend an act entitled an act for the encouragement of agriculture, approved Feb. 7, 1835;

No. 74, For the relief of Micajah Barkley;

No. 110, to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state;

And also an engrossed joint resolution thereof,

No. 72, in relation to duties on Foreign goods;

In which joint resolution and bills of the Senate the concurrence of the House of Representatives is respectfully requested.

The amendments of the Senate, to bills of the House, No. 73, 113, 156, 184, and 129, named in said message were read and concurred in.

And bills of the Senate, No. 73, 74, and 110, also joint resolution No. 72;

Were read the first time and passed to a second reading on to-morrow.

Mr. Read presented the petition of the Philalethean Society, of Hanover College;



which was read and referred to the committee on education.

Mr. Sweetser of G., Presented two several petitions of the citizens of Wabash county, concerning the raising of a certain mill dam on Eel river four feet higher;

Which was referred to a select committee of Messrs. Sweetser of G., Freeman, and Graham.

Mr. Walpole presented the petition of the president and trustees of the county library of Hancock county;

Which was read and referred to a select committee of Messrs. Walpole, Jones, and Sweetser of M.,

Mr. McCrillis presented the petition of the citizens of Haysville and vicinity, concerning state roads.

Which was referred to a select committee of Messrs. McCrillis, Jones, Conner, and Houghton.

Mr. Dowling presented the petition of Lewis Walker and others, concerning quackery and imposition in the practice of medicine;

Which was referred to the committee on education.

Mr. Walpole presented the petition of J. Thompson and nine hundred others, citizens of Shelby, Bartholomew and Johnson counties praying for the formation of a new county;

Which was referred to the committee on corporations;

Mr. Shortridge made the following report, viz:

Mr. SPEAKER—

The committee on corporations to whom was referred bill No, 211 of the House entitled a bill to incorporate the town of Mooresville in Morgan county, together with the remonstrance of John Millholland and others, against the extension of the corporation of the town of Mooresville, over the adjacent country, have had the same under consideration, and have made an amendment to the bill, in which I am instructed to ask the concurrence of the House.

The amendment made by the committee was concurred in, and the bill and amendment were ordered to be engrossed for a third reading.

Mr. Runyan made the following report:

Mr. SPEAKER—

The committee on Corporations to whom was referred bill of the House No. 221, to amend an act incorporating the Seminary in the county of Gibson and for other purposes, approved January 21st, 1826, as far as relates to the Orange county Seminary, have had the same under consideration and have instructed me to report the same back to the House with two amendments, and recommend its passage.

The amendments to the bill were concurred in, and the bill and amendments were ordered to a third reading.

Mr. Graham, from the committee on corporations, made the following report:

Mr. SPEAKER—

The committee on corporations to whom was referred bill of the Senate No. 68, to "authorize the board doing county business in Switzerland county to establish a toll bridge over Indian Creek in said county," have directed me to report the same back without amendment and recommend its passage.

Which was read the third time and passed.

Ordered that the Senate be informed thereof.

Mr. Coffeen made the following report.

MR. SPEAKER—

The committee on corporations to whom was referred a bill to incorporate the Terre-Haute cavalry, have had the same under consideration and have instructed me to strike out the same from the enacting clause and substitute the following bill,

The amendment of the committee was concurred in, and said bill read a third time and passed.

Ordered that the Senate be informed thereof,

Mr. Elkins, from the committee on corporations, made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the petition of "Jesse Morgan and others, in relation to a toll bridge" have had the same under consideration, and instruct me to report that it is inexpedient to legislate on the subject of said petitions, and ask the concurrence of the House of Representatives.

Which was read and concurred in.

Mr. Walpole made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Arthur Morrison and other citizens, on the subject of appropriating a portion of the 3 per cent fund on a certain state road in Hancock county, have according to order had the same under consideration, and instruct me to report that the legislature has no 3 per cent. fund under its control, and as to an appropriation from any other fund, your committee conclude that they "had better let it be." The concurrence of the House is respectfully requested.

Which was read and concurred in.

Mr. Stanford made the following report,

MR. SPEAKER—

The select committee to whom was referred bill No. 100 of the House of Representatives, entitled, a bill to provide in part for the payment of the interest on the public debt, have had the same under consideration, and made the following amendments thereto, to-wit:

1. 2d sec. 6th line; strike out 10 and insert 5.
2. 4th sec. 5th line; strike out five and insert six.
3. Strike out the 6th and 7th sections and insert the 8th section, as amended in the House, in lieu of the 6th section.
4. Strike out the 9th and 10th sections as the 7th section. Provided that the 5th and 6th sections of this act shall not take effect until they shall be adopted by the State Bank of Indiana as a part of the charter of the Bank in the manner required by the charter.

This act to be in force from and after its passage.

Which they have directed me to report to the House and ask its concurrence therein.

The 1st, 2d and 3d amendments of the select committee were concurred in.

The 4th amendment of the committee being read,

Mr. Sweetser of Marion moved to concur in the amendment of the committee by adding the following proviso;

“Provided the bank shall pay into the Treasury of State one per cent. for the amount of notes under the denomination of five dollars.”

Before any decision was had thereon,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met pursuant to adjournment.

On motion of Mr. Smydth of D.,

*Resolved*, That the Senate be invited to attend instanter in the Hall of the House of Representatives to proceed to the election of Public Printer, and that seats be provided for them on the right of the Speakers chair.

Mr. Bowles asked to be excused from voting in the election of State Printer on account of his constitutional objections to the law under which the election was authorized to be held.

Mr. Henley moved to amend the motion of Mr. Bowles by embracing therein all who entertain like objections.

Which amendment was adopted.

And the motion, as amended, prevailed.

So said members were excused.

The Senate then came into the Hall of the House of Representatives and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker.

When, both Houses proceeded by joint ballot in convention to the election of State Printer.

On counting the ballot it appeared that

Dowling & Cole	received	- - - - -	85	votes,
Douglass & Noel	"	- - - - -	25	"
Bolton & Pattison	"	- - - - -	6	"
Stacy & Williams	"	- - - - -	8	"
Blank	"	- - - - -	5	"

Dowling & Cole having received a majority of all the votes given, was by the President of the Senate, in presence of both branches of the General Assembly, declared duly elected State Printer for the term of three years from and after the first Monday of August next.

The convention then adjourned.

The Senate retired to their chamber.

And the House,

On motion of Mr. Stanford,

Dispensed with the previous order of business, and resumed the consideration of the amendment of Mr. Sweetser of Marion to the 4th amendment of the select committee to bill No. 100, which was under consideration when the House adjourned at 12 o'clock.

And the ayes and noes being demanded thereon by Messrs. Durbin and Brenton,

*Those who voted in the affirmative were*

Messrs. Blankenship, Bowers, Bowles, Brenton, Burgess, Burton, Byers, Carr, Casey, Chiles, Champer, Chrisman, Clark of Fountain, Cole, Conner, Dunbar, Durbin, Foote, Goodenow, Graham, Hamer, Harding, Henley, Houghton, Howe, Leslie, Lucas, McCully, Miller, Montgomery of W., Newell of Fountain, Newell of White, North, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rose, Rulon, Saylor, Schoonover, Shanks, Shoup, Sloan, Smydth of Daviess, Sweetser of G., Sweetser of Marion, Terrell, Walpole, Welch and Woodard

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Bradbury, Brown, Butler of Cass, Butler of Vanderburg, Clark of Tippecanoe, Coffeen, Coleman, Conwell, Defrees, Dowling, Elkins, Farrington, Harrah, Harrison, Hiatt, Jenckes, Jones, Kerr, Lancaster, Mason, McCrillis, Montgomery of Gibson, Morgan, Newell, Peck, Ross, Runyan, Russell, Shawhan, Shortridge, Smith of Fayette, Stanford, Strattan, and Wilson.—37.

So said amendment to the amendment of the committee was adopted.

And the question being, *Will the House concur in the amendment made by the committee as amended?*

And the ayes and noes being demanded thereon by Messrs. Bowles and Blankenship,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Burgess, Butler of Cass, Butler of Vanderburgh, Chiles, Coffeen, Cole, Champer, Coleman, Conner, Conwell, Defrees, Durbin, Elkins, Farrington, Freeman, Goodenow, Harding, Harrah, Harrison, Hiatt, Jenckes, Jones, Lancaster, Leslie, Mason, Miller, Montgomery of Warren, Newell of White, North, Peck, Rawlings, Rayburn, Robbins, Rose, Runyan, Russell, Shawhan, Sloan, Smith of Fayette, Strattan, Sweetser of Grant, Sweetser of Marion, Terrell, Walpole, Welch, Wilson and Woodard—55.

*Those who voted in the negative were*

Messrs. Bowles, Brown, Burton, Byers, Carr, Casey, Chrisman, Clark of F., Clark of Tip., Dowling, Durbin, Foote, Graham, Hamer, Henley, Houghton, Howe, Kerr, Lucas, McCrillis, McCully, Montgomery of G., Morgan, Newell of F., Read, Ritchey, Rippey, Ross, Rulon, Saylor, Schoonover, Shanks, Shortridge, Shoup, Smydth of Daviess, and Stanford—36.

So the amendment as amended, was concurred in.

The House also concurred in the fifth amendment of the committee.

Mr. Henley moved to recommit said bill and amendments to a select committee with the following instructions.

“To provide for the certain redemption of the issues contemplated in the bill in specie at all times when presented at the counter of the bank, and to provide such penalties as will insure such redemption.

Mr. Walpole moved a division of the question (being on committing.)

And the ayes and noes being demanded thereon by Messrs. Ritchey and Bowles.

*Those who voted in the affirmative were,*

Messrs. Bowles, Burton, Byers, Carr, Casey, Chrisman, Clark of F., Dowling, Dunbar, Graham, Henley, Houghton, Jones, Leslie, Lucas, McCrillis, McCully, Miller, Newell of F., Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, and Shoup—27.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of C., Butler of V., Chiles, Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Kerr, Lancaster, Mason, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Peck, Reyburn, Robbins, Rose, Ross, Runyan, Russell, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Welch, Wilson, and Woodard—62.

So the House refused to recommit said bill and amendments.

Mr. Smith of F. moved that the bill and amendments be considered as engrossed and read a third time now.

Which motion prevailed.

And the question being,

Shall said bill pass?

And the ayes and noes being demanded thereon by Messrs. Henley and Rippey.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradberry, Brenton, Brown, Burgess Butler of Cass, Butler of V., Chiles, Coffeen, Cole, Champer, Conner, Coleman, Conwell, Defrees, Dowling, Durbin Elkins, Farrington, Freeman, Goodenow, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Jones, Lancaster, Leslie, Mason, McCrillis Miller, Montgomery of G., Montgomery of W., Morgan, Newel of W., North, Peck, Rawlings, Reyburn, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell Walpole, Welch, Wilson, and Woodard—64.

*Those who voted in the negative were,*

Messrs. Bowles, Burton, Byers, Carr, Casey, Chrisman, Clark of F., Clark of T., Dunbar, Foote, Graham, Hamer, Henley, Houghton, Kerr,

Lucas, McCulley, Newell of F., Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, Shanks, and Shoup—26.

So said bill passed.

Ordered that the Senate be informed thereof.

Mr. Shanks made the following report:

Mr. SPEAKER—

The committee on engrossed bills have compared the engrossed with the original bills of the following titles:

No. 148, to amend an act for the regulation of the State's Prison, approved Feb. 17, 1833;

No. 160, to value the property of this state;

No. 161, prescribing the duties of county auditor;

No. 162, for the election of county assessor;

No. 163, prescribing the duties of county treasurer;

And find the same correctly engrossed.

On motion,

The House adjourned until to-morrow morning 9 o'clock,

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SATURDAY, JAN. 23d, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maquire, their secretary:

Mr. SPEAKER;

The Senate has passed engrossed bills of the House of Representatives, entitled as follows:

No. 128, an act to incorporate the Euterpean Band of South Bend;

No. 157, an act to define the boundary line between the counties of Clark and Floyd;

No. 176, an act to amend an act for the relief of John Rodolph Fischli, approved Feb. 18, 1839;

No. 210, an act for the location of a state road in the counties of Harrison and Crawford;

No. 242, an act for the relief of Edmond Clark, collector of Hendricks county;

No. 157, with amendments and the others without amendment.  
The Senate has also passed engrossed bills thereof entitled as follows:

No. 120, an act relative to the counties in the third judicial circuit;  
No. 124, an act concerning a state road in Tippecanoe county;  
In which bills of the Senate and amendments to the bill of the House of Representatives, the concurrence of the House of Representatives is respectfully requested.

The amendment made by the Senate to bill No. 157, was concurred in.

Bill No. 120, named in the message,  
Was read the first time and passed to a second reading on to-morrow.

And Bill No. 124,  
Was read the first and second times, (the rules being suspended) and committed to the committee on roads.

#### PETITIONS PRESENTED.

Mr. Blankenship presented the petition of sundry citizens of Marion, Morgan, and Hendricks counties, in relation to the rights of colored persons.

Which he moved to have referred to the judiciary committee.

Which motion did not prevail.

When on motion of Mr. Walpole, said petition was laid on the table,

Mr. Clark of D., presented the remonstrance of Hiram Clark and others against the vacation of a certain state road;

Which was referred to the committee on roads.

Mr. Houghton presented the petition of Uriah Luttrell and others asking for the relocation of a state road;

Which was referred to a select committee of Messrs. Houghton, Smyth of D., and Freeman.

Mr. Jenckes moved to suspend the previous order of business and go into consideration of the revenue bills, No. 160, 161, 162, 163, and 164;

Which motion prevailed.

Said bills were then severally read the third time, and,

On motion of Mr. Jenckes,

Were recommitted to the committee of ways and means with instructions so to amend as to make the provisions of the said several bills take effect and go into operation the present year as far as practicable.

Mr. Chiles made the following report,

MR. SPEAKER—

The judiciary committee to whom was referred the petition of Anna Maria Gile, of Lagrange county, praying a divorce from her husband,



Standish Gile, have had the same under consideration, and have directed me to make the following

## R E P O R T :

The stern judgment of the judiciary committee has been greatly softened by the facts set forth in the petition of this fair claimant upon the legislature. However much the judiciary committee may feel themselves bound to sustain the constitution and laws of the country, when matters relating thereto are referred to them, yet the committee do not intend that they, as individuals, shall be considered by the community at large as possessing no feelings which may reach beyond, or at least mollify the afflicting rigidity of the law. As an evidence of this determination on the part of the committee, it is only necessary to portray the feelings manifested by each individual member thereof, upon the recital of the many wrongs which the accomplished complainant in this case had suffered. The first statement in the petition of our fair plaintiff which attracted the attention of the judiciary committee is as follows: "Previous to the said Gile's obtaining the consent of marriage with said petitioner, he, the said Gile, was apparently observant of all the proprieties of life, of happy temper and cheerful disposition, temperate and domestic in his habits, and apparently attached to the requirements of religion." When this part of the petition was read, it was the prevailing opinion of the committee that qualities better calculated to secure domestic tranquility to a lady, could not be enumerated. The enlivening hope that the parties might enjoy continued and superlative bliss illuminated the countenance of every member of the judiciary committee. The deep interest and sympathy which this commencing recitation in the petition had excited in the bosoms of the committee, was destined not to terminate here. The next paragraph in the narration of facts by the petitioner, was read to the committee thus: "Your petitioner would further represent, that by often repeated pledges of devotion, and professions of affection by the said Gile towards petitioner, that he induced in the feelings of your petitioner corresponding emotions; and obtained the consent of petitioner to approach the bridal alter and become the devoted wife of the said Gile." This artless protestation of devotedness and affection, coming from an intelligent, highly accomplished and blooming girl of seventeen, together with the simple and natural means by which these feelings were superinduced, lost not their effect upon the judiciary committee. The younger members of the committee contented themselves with the silent contemplation of that endless variety of enjoyments which they imagined in store for the happy pair. And even the usually quick and decided voice of the Honorable chairman of the judiciary committee, on this occasion, sank into the soft, inquiring exclamation of "*Order, gentlemen, what shall we do?*" The further reading of the petition being called for, those pleasurable imaginations which had momentarily occupied the minds of the committee were instantly converted into feelings of the utmost indignation and scorn. The fair

petitioner proceeds to say, that since their separation the said Standish Gile has been straggling through the country, obtaining a precarious livelihood by his skill in the art of *fiddling*. At the mention of the term *fiddling*, the lofty sentimental tone of the judiciary committee would have experienced a most ludicrous decadence, had it not been held up to its proper key, by reflecting with what ineffable contempt it would be just for a high-minded and polished female to look upon her affianced lord who would betake himself to such an ignoble avocation. The petition proceeds as follows: "Your petitioner and her said husband lived together but for the space of five weeks after their marriage, making the house of your petitioner's father their home. That during the said five weeks, the said Gile frequently absented himself from home for several days at a time without any intimation to petitioner of his intent and without any business object in view; and on returning home, *drunk*, would treat petitioner in the most cruel manner, telling petitioner that he had married her when young for the purpose of training her up to his own liking, and that if things did not go right, he would use the horse-whip. That said Gile is of a cold and brutal disposition, and that during the five weeks that petitioner continued under his restraint, he abused her incessantly, and in many respects in a manner which petitioner, from delicacy, cannot reveal. Petitioner remonstrated with him, before her separation from him, pleading with all the affection and devotion of a wife for her husband to reform, but in return received increased abuse. He frequently told petitioner that he would torment her as long as he lived; and would do her all the harm he could, and that, if he had the power he would send her to the state prison."

The idea of confining our fair petitioner within the short space of five weeks after her happy bridal hour, within the loathsome dungeons of the state prison, aroused the knight-errantry of the judiciary committee. Had no insurmountable barriers interposed, each and every member thereof, would have mounted his Rosinant and scoured the frozen regions of the North, in pursuit of the recreant and undutiful cavalier. Could he, at that time have been overtaken by the judiciary committee, the flash of more than one gilded lance would, in the twinkling of an eye, have transformed this knight of the round-table and of the garter into the order of the knights of the rueful countenance.

To show that the judiciary committee do not intend to resent the wrongs of our fair complainant by words alone, they have directed me to report the accompanying bill to the House, and earnestly recommend its passage. And by way of expressing our individual feelings on the subject, should Anna Maria Gile, after her divorcement from her present unworthy husband, ever in after life think proper to wed another, it is the unanimous wish of the judiciary committee, that she may enjoy a state of felicity in amount and to an extent which will amply compensate her for the seemingly blasted hopes of her early days.

No. 247—A bill to remove the disability of Anna Maria Gile,

Which was read three several times, the rules being suspended, and passed.

And ordered that the Clerk inform the Senate thereof, and communicate to them the foregoing report of the judiciary committee.

Mr. Sweetser of G., chairman of the committee on claims, made the following report;

MR. SPEAKER—

The committee on Claims to whom was referred a resolution of the House, directing them to inquire into the justice of allowing Henry Bobs, collector of the State revenue of Huntington county, for the year 1838, thirteen dollars and thirty-one cents, for money overpaid into the State Treasury by the said Bobs, have, according to order, had the same under consideration, and find from the statement of the Auditor of Public Accounts, that the said Bobs did pay into the Treasury, as such collector, the sum of thirteen dollars and thirty-one cents, over and above the amount due from said county, which amount has not been refunded. The committee have therefore directed me to report the following—

*Resolved*, That the committee of Ways and Means allow Henry Bobs, in the specific appropriation bill, thirteen dollars and thirty-one cents, the amount overpaid by the said Bobs into the State Treasury, as collector of the State revenue for the county of Huntington, for the year 1838.

Which report was concurred in and the resolution adopted.

Mr. Sweetser of G., also made the following report:

MR. SPEAKER:

The committee on Claims to whom was referred a resolution of the House, directing them to inquire into the expediency of making a reasonable allowance to William Huffman, of the county of Decatur, for his loss of time and expenses in attending, as a witness, the trial of Thompson for the murder of Rynearson, in the county of Putnam, have, according to order, had the same under consideration, and directed me to report, legislation upon this subject inexpedient, and ask to be discharged from the further consideration of the same.

Which report was concurred in, and the committee discharged.

Mr. Read, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill relative to the pilots at the falls of the Ohio river, have had that subject under consideration, and have made several amendments thereto, in which amendments they desire the concurrence of the House.

Said amendments were concurred in, and said bill read a third time and passed.

Ordered, that the Senate be informed thereof.

Mr. Wilson made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Robert M. Ramsey and others, citizens of Montgomery and Putnam counties, praying the privilege to open a part of the New-Albany and Crawfordsville turnpike road, at their own expense, have had the same under consideration, and have directed me to report the accompanying bill—

No. 248, to authorize the citizens of Montgomery and Putnam counties to open a part of the New-Albany and Crawfordsville turnpike road therein named.

Which was read the first time and passed to a second reading on Monday next.

Mr. Byers made the following report:

MR. SPEAKER:

The committee to whom was referred the petition of Sam'l S. Hall and others, citizens of Congressional Township No. 8, north of range No. 1 west, praying the passage of an act to authorize the school commissioner of Monroe county, to re-loan the school funds of said township, have had the same under consideration, and have directed me to report the following bill:

No. 249, to amend an act authorizing the sale of certain school lands therein named, and for other purposes, approved January 1st, 1838.

Which was read three several times (the rules being suspended) and passed.

Ordered, that the Senate be informed thereof.

On motion of Mr. Conner,

*Resolved*, That the Rev. E. B. Mann have leave to preach in this Hall on to-morrow at 11 o'clock A. M., and at 6 o'clock P. M.

Mr. Butler of C., offered for adoption the following resolution:

*Resolved*, That the Speaker of the House appoint an assistant enrolling clerk for the residue of the session.

Which was not adopted.

Mr. Walpole moved to take from the table a resolution of the Senate fixing Monday, the first day of February, as the time of the final adjournment of the legislature.

On which motion the ayes and noes were demanded by Messrs. Saylor and Rippey,

*Those who voted in the affirmative were*

Messrs. Atherton, Blair, Blankenship, Bowers, Brenton, Burgess, Burton, Byers, Carr, Casey, Chrisman, Clark of D., Conner, Conwell, Dunbar, Durbin, Foote, Hamer, Harding, Harrah, Harrison, Henley, Hiatt, Jones, Kerr, Leslie, Lucas, M'Crillis, M'Cully, Miller, Montgomery of G., Newell of F., North, Peck, Rawlings, Read, Ritchey, Rippey, Ross, Runyan, Saylor, Shanks, Sloan, Stanford, Walpole, Wilson, and Woodard—47.

*Those who voted in the negative were,*

Messrs. Ball, Bowles, Brown, Butler of C., Butler of V., Champer, Clark of F., Clark of T., Coffeen, Cole, Defrees, Dowling, Elkins, Farrington, Freeman, Goodenow, Graham, Houghton, Howe, Jenckes, Lancaster, Montgomery of W., Morgan, Rayburn, Robbins, Rose, Russell, Schoonover, Shawhan, Shortridge, Smith of F., Sweetser of G., and Mr. Speaker—34.

So said resolution was taken from the table.

Leave of absence was granted to Mr. Dunn in consequence of indisposition.

Mr. Blair moved to strike out the word "first," and insert "8th."

Mr. Lancaster moved to amend the amendment by striking out "8th," and inserting the "15th."

When Mr. Champer moved that the resolution and amendments be laid on the table.

And the ayes and noes being demanded thereon by Messrs. Clark of D. and Blair,

*Those who voted in the affirmative were,*

Messrs. Bowles, Bradbury, Brown, Butler of C., Butler of V., Champer, Clark of F., Clark of T., Coffeen, Cole, Coleman, Defrees, Dowling, Elkins, Farrington, Freeman, Goodenow, Graham, Hiatt, Houghton, Howe, Lancaster, M'Crillis, Montgomery of W., Morgan, Rayburn, Robbins, Rose, Russell, Shawhan, Shoup, Shortridge, Smith of F., Stratton, Sweetser of G., and Mr. Speaker—36.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Brenton, Burgess, Burton, Byers, Carr, Casey, Chrisman, Clark of D., Conner, Conwell, Dunbar, Durbin, Foote, Hamer, Harding, Harrah, Harrison, Henley, Jenckes, Jones, Kerr, Leslie, Lucas, M'Cully, Miller, Montgomery of G., Newell of F., North, Peck, Rawlings, Read, Ritchey, Rippey, Ross, Runyan, Saylor, Schoonover, Shanks, Sloan, Stanford, Walpole, Wilson, and Woodard—48.

So said resolution was not laid upon the table.

Leave of absence was granted to Mr. Terrell in consequence of indisposition.

On motion of Mr. Sweetser of M.,

The further consideration of said resolution was postponed until Friday next.

On motion of Mr. Jenckes,

*Resolved*, That the Auditor of State be requested to furnish this House the names of all the clerks employed by the last legislature, the services rendered by each, and the amount of compensation received therefor.

On motion of Mr. Champer,

*Resolved*, That the committee of claims, be instructed to ascertain the amount of expenses incident to the last illness and burial of Hugh Barnes deceased, Sergeant-at-Arms elect to this House, and provide for the payment of the same, in the general appropriation bill at the present session.

On motion of Mr. Butler of V.,

*Resolved*, That the use of this Hall be tendered to the Indianapolis Legislative Assembly, on next Wednesday evening for the purpose of hearing the address from the Hon. James Morrison, their Governor elect.

Mr. Burton offered for adoption the following preamble and resolution.

Whereas, The feeder dam thrown across Eel river in Clay county, was completed more than one year since, which affords a great amount of water power, which though much wanted is not improved, and which dam is kept in repair at great expense to the state, which expense might be lessened by the use of said water power; and whereas, in the report made to this House by the Chief Engineer of 5th inst. estimating the value of the water power on the Cross-cut Canal from said dam to Terre-Haute, says nothing of the value of the water power at the aforesaid dam, where it is as much wanted as at any point on the line; Therefore,

*Resolved*, That the board of Internal Improvements be requested to inform this House whether any proposals have been made for the letting of the water power at the aforesaid feeder dam, and if any, what the condition of said proposals, and why, in the report of the 5th inst., was there no estimate given of the value of that power, and whether it is, or is not the intention of the state board of Internal Improvement to let the water power at the aforesaid dam, and what amount of water may be used at said dam, and what amount of revenue it will yield to the state, with any other explanatory remarks deemed necessary to fully show the importance and value of that power.

Which preamble and resolution were adopted.

On motion of Mr. Rayburn,

*Resolved*, That the committee on roads, be instructed to report back to this House, at as early a day as possible, all such bills as may have originated in this House, for the establishment of any state road or roads, whether the same shall have been applied for in the manner

prescribed in the 14th section of an act regulating roads and high ways, approved February 17, 1840, or not.

## BILLS INTRODUCED.

By Mr. Rayburn, No. 250, fixing the times of holding courts in the 8th judicial circuit.

By Mr. Elkins, No. 251, to extend the time of payment to purchasers of school lands in Randolph county, and for other purposes.

By Mr. Goodenow, No. 252, a bill changing the time of holding courts in the third judicial circuit.

By Mr. Coffeen, No. 254, providing for an additional term of the circuit court in Delaware county.

By Mr. Howe, No. 256, to amend an act entitled an act providing for the recording of mortgages for personal property, approved February 17, 1838;

Which were read three several times, (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

Mr. Blankenship, introduced bill No. 253, to classify the public works;

Was read the first time, and passed to a second reading on to-morrow.

The House then proceeded to the consideration of the orders of the day, being bills on their third reading.

No. 212, an engrossed bill, to vacate spring street, in the town of Covington, in Fountain county.

No. 224, an engrossed bill, to amend an act, entitled an act to provide for an election of an additional justice of the peace and constable, for Morgan township, in the county of Harrison.

No. 213, an engrossed bill to establish permanent corners to the streets, alleys and lots in the town of Corydon.

No. 25, an engrossed bill of the Senate, to amend an act entitled an act subjecting real and personal estate to execution, approved February 4, 1831.

No. 148, an act to amend an act for the regulation of the State Prison, approved February 17, 1838.

No. 211, a bill to incorporate the town of Mooresville, in Morgan county.

No. 221, an engrossed bill, to amend an act incorporating the Seminary, in the county of Gibson, and for other purposes, approved Jan. 21, 1826, so far as relates to the Orange county Seminary.

Were severally read the third time, and passed.

Ordered that the clerk inform the Senate thereof.

On motion of Mr. Clark of Tippecanoe, bill,

No. 167, a bill to revise and amend, an act incorporating congressional townships, and providing for public schools therein, approved Feb. 17, 1838;

Was taken from the table, and committed to the committee of the

whole House, and made the order of the day for this day at 2 o'clock P. M.

On motion of Mr. Coleman, joint resolution,  
No. 214, a joint resolution on the subject of the National Road;  
Was taken from the table, read the third time and passed.

#### BILLS ON SECOND READING.

Bill No. 217, to dispense with records in certain cases, and to authorize amendments in pleading;

Was read the second time, and referred to the committee on the judiciary;

No. 219, a bill to provide for a state road therein named;

Was read the second time, and referred to the committee on roads.

No. 220, a bill to change the name of the town of Milford, in Warren county;

Was read the second time, and ordered to be engrossed for a third reading on to-morrow.

No. 221—Supplemental to an act subjecting real and personal property to execution, approved February 4th, 1831,

Was read the second time when,

Mr. Coleman moved to recommit said bill to the judiciary committee with the following instructions,

So to amend the bill as to require security for the delivery of personal property.

Mr. Conner moved to amend the instructions as follows:

That in case said real estate will not sell for want of bidders or otherwise, as provided in this act, the execution plaintiff may take the same at two thirds of its value or in case he refuse to take that, he shall not have his execution renewed for one year after the return of his first execution.

Which amendment was not adopted.

Mr. Brown moved to lay the bill and pending instructions on the table,

Which motion did not prevail.

Mr. Harding moved to amend so as to provide "that real estate shall be sold for one half of its value."

And before any decision was had thereon,

Mr. Coleman withdrew his instructions, and then offered the following as an amendment to the bill;

Sec. That when any personal property shall be taken on execution, by any sheriff, constable or other officer, it shall be the duty of said officer within five days thereafter, to cause the same to be valued by two disinterested free holders, who shall not be related to either party, who shall make out their award in writing under oath, to be administered by some person authorized to administer oaths, specifying each article separately, and if the said property or any part thereof, will not sell for one half the appraised value, then and in that case



it shall be the duty of said officer to return the said execution and release the property so taken thereon, provided the defendant give security to the satisfaction of the plaintiff, his agent or attorney, to produce the same in like good condition at the expiration of ninety days, which shall again be offered, and if no bidders offer one half the value, the officer shall take security in like manner for ninety days further stay of execution, at the expiration of which time the said property shall be offered to the highest bidder.

Provided that if the defendant fail or refuse to give security as herein provided, the said officer shall proceed to sell the said property on a credit of 4 months and shall take bond and security of the purchaser, for the payment of the purchase money, which bond shall be filed in the justices or clerk's office as the case may be, where the said execution is made returnable, on which bond execution may issue as in case of the original judgment on which there shall be no stay of execution or valuation of property.

Pending which,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

Leave of absence was granted to Mr. Newell of White, in consequence of indisposition.

On motion of *Mr. Clark of Tip.*,

The House went into consideration of bill

No. 167—To revise an amend "an act incorporating congressional townships and providing for public schools therein, approved February 17th, 1838."

On motion of *Mr. Leslie*,

The House went into committee of the whole on said bill, *Mr. Jones* in the chair.

After sometime spent therein, the committee rose and the chairman reported the bill back to the House, when,

*Mr. Champer* moved that the committee of the whole be discharged from the further consideration of said bill, and that it be recommitted to a select committee of *Messrs. Clark of Tip., Jenckes and Farrington*, with instructions to so amend the bill that the school commissioners

settle their accounts with the county auditors, and otherwise to arrange the bill.

Mr. Stanford moved to amend the instructions as follows:

Chapt. xix, 10 Sec. 3d line, strike out from time to time and insert: Annually in the month of January.

Add to the end of the section the following proviso:

*Provided*, That in correcting such lists of children it shall be the duty of the person making such numeration, to enquire of each householder in his district, whether he or she intends to participate in the district schools for that year, and if any such householder shall answer in the negative, the children of such householders shall not be returned to the township treasurer, and the trustee making such lists, shall take an oath or affirmation that the same was taken in strict conformity, with this section; which oath or affirmation shall be administered by the township treasurer, or any other person authorized to administer oaths, which shall be endorsed on the back of such lists.

Which amendment was not adopted.

The bill was then recommitted with the instructions proposed by Mr. Champer.

The House then resumed the consideration of the amendment of Mr. Coleman to bill No. 221, which amendment was pending when the House adjourned.

And the question being put, the amendment was not adopted.

Mr. Champer moved to amend as follows:

That the officer in no case, when he may return an execution under the provisions of this act, shall deliver to the execution defendant the said property until the said defendant shall execute to the plaintiff, a good and sufficient bond, conditioned that he will deliver said property to the person entitled to receive the same at any time on demand, made within the three months and twenty days aforesaid, in as good plight as the same then is, except from natural causes or accident unavoidable.

Which was adopted.

Mr. Howe moved the following amendment:

“Amend the bill by striking out that part which provides for the appraisment of personal property and its sale at not less than one-half its value.

And the ayes and noes being demanded thereon by Messrs. Henley and Clark of D.

*Those who voted in the affirmative were,*

Messrs. Clark of T., Farrington, Howe, Houghton, Jenckes, Montgomery of G., Morgan, Newell of F., Ross, Smith of F., and Sweetser of M.—11.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bowles, Bradberry, Brown, Burgess, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D., Clark of F., Coffeen, Cole, Coleman, Conner, Conwell, Dowling, Dunbar, Durbin, Elkins, Foote, Goodenow, Graham Hamer, Harding, Harrah, Harrison, Henley, Hiatt, Jones, Kerr, Lancaster, Leslie, Lucas, McCully, Miller, Montgomery of W., North, Peck, Rawlings, Read, Rayburn, Rippey, Robbins, Rose, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Standford, Stratton, Sweetser of G., Welch, Wilson, and Mr. Speaker—69.

So said amendment was not adopted.

Mr. Burton moved the following:

At the end of the 6th line, 1st section insert, disinterested.

Which was adopted.

On motion of Mr. Burton,

The following proviso, was added in the proper place:

Provided that the execution defendant may surrender his property for sale by the proper officer or claim the benefits of this act at his election.

Mr. Smith of F. moved to further amend the bill by striking out the 5th and 6th sections thereof.

And the ayes noes being demanded thereon by Messrs. Champer and Jenckes.

*Those who voted in the affirmative were,*

Messrs. Ball, Blair, Bowers, Bowles, Bradberry, Brown, Burgess, Butler of C. Carr, Casey, Chiles, Coffeen, Cole, Coleman, Conner, De-frees, Elkins, Farrington, Goodenow, Graham, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Leslie, McCrillis, Miller, Montgomery of G., Montgomery of W., Morgan, Peck, Read, Robbins, Rose, Ross, Runyan, Saylor, Shawhan, Sloan, Smith of F., Standford, Stratton, Sweetser of G., Sweetser of M., Welch, and Woodard—51.

*Those who voted in the negative were,*

Messrs. Atherton, Burton, Butler of V., Byers, Champer, Chrisman, Clark, of D., Clark of F., Clark of T., Conwell, Dowling, Dunbar, Durbin, Foote, Hamer, Harding, Henley, Lucas, McCully, Newell of F., North, Rayburn, Rippey, Russell, Schoonover, Shanks, Shortridge, Shoup, Wilson, and Mr. Speaker—30.

So said 5th and 6th sections were stricken out.

Mr. Harding moved to amend where it provides for the appraisal of real estate by "striking out the words two thirds and insert one half."

And the ayes and noes being called for by Messrs. Burton and Clark of D.,

*Those who voted in the affirmative were*

Messrs. Bowers, Bradbury, Burgess, Conner, Dowling, Farrington, Harding, Hiatt, Houghton, Jenckes, Kerr, Lancaster, McCrillis, Montgomery of G., Newell of Fountain, Sloan, Smith of Fayette, Strattan, Sweetser of Grant, Sweetser of M.—20.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Bowles, Brown, Burton, Butler of Cass, Butler of Vanderburgh, Byers, Carr, Champer, Chiles, Chrisman, Clark of Dearborn, Clark of Fountain, Clark of Tip., Coffeen, Cole, Coleman, Conwell, Defrees, Dunbar, Durbin, Elkins, Foote, Goodenow, Graham, Hamer, Harrison, Henley, Howe, Jones, Leslie, Lucas, McCully, Miller, Montgomery of Warren, Morgan, North, Peck, Rawlings, Read, Rayburn, Rippey, Robbins, Rose, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Stanford, Welch, Wilson, Woodard and Mr. Speaker—60.

So said amendment was not adopted.

Mr. Bowles moved so to amend the bill,

"That no personal property taken in execution shall be sold for less than two thirds of its valuation,

And the ayes and noes being demanded thereon by Messrs. Bowles and Saylor,

*Those who voted in the affirmative were*

Messrs. Ball, Blair, Bowles, Burgess, Burton, Butler of Vanderburgh, Casey, Chiles, Clark of D., Clark of F., Conner, Conwell, Dunbar, Harding, Harrah, Henley, Houghton, Kerr, Leslie, Lucas, Montgomery of Warren, North, Read, Rippey, Saylor, Shawhan, Shoup, Sloan, Sweetser of G., Sweetser of M., and Welch—31.

*Those who voted in the negative were*

Messrs. Atherton, Bowers, Bradbury, Brown, Butler of Cass, Byers, Carr, Champer, Chrisman, Clark of Tip., Coffeen, Cole, Coleman, Defrees, Dowling, Dunbar, Elkins, Farrington, Foote, Freeman, Goodenow, Hamer, Howe, Jenckes, Jones, Lancaster, McCrillis, McCul-

ly, Miller, Montgomery of Gibson, Morgan, Newell of F., Peck, Rawlings, Rayburn, Robbins, Rose, Ross, Runyan, Russell, Schoonover, Shanks, Shortridge, Smith of F., Stanford, Stratton, Wilson, Woodard and Mr. Speaker—49.

So said amendment was not adopted.

Mr. Champer moved to recommit the bill to a select committee with instructions to amend by inserting a 5th and 6th section,

Which were read and disagreed to.

Mr. Montgomery of Warren moved the following amendment:

“And when the creditor requires gold or silver in payment of such execution.”

Which was not adopted.

Mr. Sweetser of G. moved further to amend by striking out “two thirds” wherever it occurs in the bill.

When. Mr. Blair moved the previous question.

And being seconded by a majority of the members present,

The said previous question was put, viz:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, viz,

Shall the bill and amendments be engrossed and read a third time,

And the ayes and noes being demanded thereon by Messrs. Jones and Sloan,

*Those who voted in the affirmative were*

Messrs. Atherton, Burton, Ball, Blair, Bowers Bradbury, Butler of C. Byers, Champer, Chiles, Chrisman, Clark of D. Clark of F. Coffeen, Coleman, Conwell, Defrees, Dunbar, Durbin, Elkins, Foote, Freeman, Goodenow, Hamer, Harrah, Howe, Lancaster, Lucas, M'Cully, Miller, Peck, Rawlings, Rayburn, Rippey, Robbins, Rose, Runyan, Russell, Saylor, Schoonover, Shanks, Shortridge, Shoup, Stratton, Woodard and Mr. Speaker—46.

*Those who voted in the negative were*

Messrs Bowles, Brown, Burgess, Butler of V. Carr, Casey, Clark of T. Cole, Conner, Farrington, Graham, Harding, Henley, Houghton, Jenckes, Jones, Kerr, Leslie, M'Coy, M'Crillis, Montgomery of G. Montgomery of W. Morgan, Newell of F. North, Read, Ross, Shawhan, Sloan, Smith of F. Stanford, Sweetser of G. Sweetser of M. and Wilson—34

So said bill was engrossed for a third reading on Monday next.

Mr. Harding asked and obtained leave to withdraw from the files of the House, the petition of Simon S. Wiseman.

No. 218, a bill repealing the 8th section of an act incorporating the Leesburg school society;

Was read the second time, and ordered to be engrossed for a third reading on Monday next.

No. 222, A bill to provide for the payment of the debt due the branch at Evansville, of the state bank of Indiana;

Was read the second time, and referred to the committee on the state bank.

No. 225, a joint resolution of the General Assembly of Indiana, respecting the journal of their proceedings;

Was read the second time and lost.

No. 226, a bill to amend an act for the relief of the poor, approved February 17, 1838;

Was read the second and third time, and passed.

No. 227, a joint resolution for the benefit of St. Joseph county;

Was read the second and third time, and passed.

No. 228, a joint resolution relative to the extention of pre-emption rights;

Was read the second time, and ordered to be engrossed for a third reading on Monday next.

No. 229, a joint resolution providing for a correspondence between the Executives of Indiana and Ohio, in reference to the completion of the Wabash and Erie canal;

Was read the second and third time and passed.

No. 230, a bill to legalize the election of probate judges in Kosciusko county;

Was read the second and third time, and passed.

No. 231, a bill providing for the opening and repairing public roads and high-ways, in the county of Monroe;

Was read the second time, and committed to the committee on roads.

No. 232, a joint resolution in relation to the condition of state bonds passed from agents of the state without payment;

Was read the second time, and committed to the committee on the judiciary.

The following message was recived from the Senate by Mr. Wright, a member thereof:

Mr. SPEAKER;

The Senate has passed without amendment, bill No. 247 of the House of Representatives, entitled, an act to remove the disability of Anna Maria Gile.

Mr. Shanks made the following report:

Mr. SPEAKER;

The committee on engrossed bills, have compared the engrossed with the original bills of the House, of the following titles:

No. 211, a bill to incorporate the town of Mooresville, in Morgan county;

No. 221, to amend the act to incorporate the Seminary in the county of Gibson, and for other purposes. approved Jan. 21. 1826, so far as relates to the Orange Seminary;

No. 164, pointing out the mode of levying taxes.

And find the same correctly engrossed.

Mr. Butler of C. made the following report:

MR. SPEAKER:

The joint committee on enrolled bills, report that they have compared the enrolled with the engrossed bills of the Senate of the following titles, and find the same duly enrolled, to wit:

No. 28, An act to amend an act, entitled an act to incorporate the town of Laporte, approved Feb. 18, 1839;

No. 34, an act to amend an act entitled an act regulating the jurisdiction, and duties of justices of the peace, approved February 17th, 1838.

On motion,

The House adjourned until Monday morning 9 o'clock.

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MONDAY, JAN. 25, 1841.

The House met pursuant to adjournment.

The Speaker laid before the House, a communication from the board of trustees of Hanover College;

Which was referred to the committee on education.

The Speaker also laid before the House a communication from the Governor, enclosing a communication from the Historical society, of the state of New York;

Which was referred to the committee on federal relations.

Mr. Hamer moved to dispense with the order of business, to give to him the opportunity of introducing a resolution so changing the order of business that the House will each day at 2 o'clock P. M., proceed to the consideration of the revenue bills, bank bill and the bill to modify the Internal Improvements;

Which leave was refused.

PETITIONS PRESENTED

By Mr. Rayburn, of the members of the Methodist Episcopal church

of Miami county, asking that the title of a certain lot may be vested to Adam E. Rhodes;

Which was referred to a select committee of Messrs Rayburn, Shawhan and Chiles.

By Mr. Newell of *W.*, a petition of Jasper Hunt, and citizens of Benton county, praying that the name of that county be changed to *Tipton*;

Which was referred to the judiciary committee.

By Mr. Rippey, a petition and preamble concerning an appraisment law;

Which was read and laid on the table.

By Mr. Hiatt, of the city of Cambridge, and Cambridge city, asking for an act of incorporation;

Which was referred to a select committee of Messrs. Hiatt, Stanford and Stratton.

By Mr. Dunbar, of David Phigley, asking for a divorce;

Which was read and referred to a select committee of Messrs. Conwell, Rayburn, Chiles and Peck.

Mr. Howe made the following report;

MR. SPEAKER;

The committee on the judiciary, to which was referred bill No. 79, of the Senate, entitled a bill to authorize school commissioners to refund money in certain cases therein named, having considered the same, have directed me to report it back without amendment, and recommend its passage.

Said bill was then read a third time, and passed.

Mr. Elkins made the following report:

MR. SPEAKER;

The select committee to whom was referred the petition of John Peacock and others, on the subject of extending the time, for the erection and completion of the edifice for the public Seminary of Randolph county; have had the same under consideration, and instruct me to report the following bill:

No. 257, for the relief of George D. Moore of Randolph county;

Which was read the first, second and third times, (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

Mr. Montgomery of *W.* made the following report:

MR. SPEAKER:

The select committee to whom was referred the bill relating to the time of holding courts in the first judicial circuit; have had the same under consideration, and directed me to report the same back to the



House without amendment, and recommend its passage without delay.  
Said bill was then read a third time and passed.  
Ordered that the Senate be informed thereof.

Mr. Lancaster made the following report:

MR. SPEAKER—

The select committee to whom was referred the bill, amending an act, approved Feb. 6, 1837, entitled, an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress; approved June 23d, 1836, having had the subject submitted to them under their consideration, have directed me to report the same back to the House with the following amendment:

Strike out sections second and third of said bill and insert the following sections.

Said amendment was read, when,

Mr. Conwell moved to concur therein with the following amendment: To insert "and 42."

Which was agreed to.

When, Mr. Champer moved to concur in the amendment of the committee by adding the following:

"That all persons who have had the money on personal security shall be entitled to an extension of time on the same terms."

And the ayes and noes being demanded thereon by Messrs. Cole and North,

*Those who voted in the affirmative were*

Messrs. Atherton, Bowers, Burton, Byers, Carr, Casey, Champer, Chiles, Clark of Dearborn, Clark of Fountain, Conwell, Dowling, Dunbar, Elkins, Foote, Hamer, Henley, Houghton, Kerr, Lancaster, Leslie, McCrillis, McCully, Montgomery of Gibson, Newell of Fountain, Read, Rippey, Robbins. Rose, Rulon, Runyan, Saylor, Shanks, Shoup, Smydth of Daviess, Sweetser of Grant, Welch and Mr. Speaker—38.

*Those who voted in the negative were*

Messrs. Ball, Blair, Bradbury, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Chrisman, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conner, Defrees, Farrington, Goodenow, Graham, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Jones, Lancaster, Mason, McCoy, Miller, Montgomery of Warren, Morgan, Newell of White, North, Peck, Ross, Russell, Shawhan, Shortridge, Sloan, Smith of F., Stanford, Strattan, Sweetser of Marion, Wilson and Woodard—45.

So said amendment was not adopted.

Mr. Burton moved the following amendment:

Strike out the 3d section and insert the following:

That said Fund Commissioner shall re-loan said fund as fast as it comes into his hands under the provisions and restrictions of this act, and the act to which this is an amendment, provided that said fund or any portion thereof shall not be re-loaned to any person holding any part of said fund,

And the ayes and noes being demanded thereon by Messrs. Burton and Shoup,

*Those who voted in the affirmative were*

Messrs. Atherton, Bowers, Bowles, Brenton, Burgess, Burton, Butler of Cass, Butler of Vanderburgh, Byers, Carr, Casey, Chrisman, Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Coffeen, Dunbar, Elkins, Foote, Graham, Hamer, Harrison, Houghton, Jones, Kerr, Leslie, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of Gibson, Montgomery of Warren, Newell of Fountain, Newell of White, Read, Rayburn, Rippey, Rose, Rulon, Runyan, Saylor, Schoonover, Shawhan, Shoup, Sloan, Stanford, Welch and Wilson—49.

*Those who voted in the negative were*

Messrs. Ball, Blair, Bradbury, Brown, Champer, Cole, Coleman, Conner, Conwell, Defrees, Farrington, Goodenow, Harding, Harrah, Hiatt, Howe, Jenckes Lancaster, Mason, Morgan, North, Peck, Robbins, Ross, Russell, Shortridge, Smydth of D., Smith of F., Strattan, Sweetser of Grant, Sweetser of Marion, Woodard and Mr. Speaker—34.

So said amendment was agreed to.

Mr. Butler of V. introduced a bill

No. 258—Fixing the time of holding courts in the fourth judicial circuit,

Which was read the first and second times, (the rules being suspended) and committed to a select committee of the members of the 4th circuit.

The house then proceeded to the consideration of the

#### ORDERS OF THE DAY.

No. 218—An engrossed bill repealing the 8th section of an act incorporating the Leesbury School Society.

No. 220—An engrossed bill to change the name of the town of Milford in Warren county.

Were read the third time and passed.

Ordered that the Senate be informed thereof.

No. 228—An engrossed joint resolution relative to the extension of pre-emption rights,

Was read the third time,

And the question being, Shall said joint resolution pass?

And the ayes and noes being demanded thereon by Messrs. Runyan and Rippey

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Bowles, Burton, Butler of C., Byers, Carr, Casey, Chiles, Chrisman, Clark of F., Clark of T., Coffeen, Defrees, Dowling, Dunbar, Elkins, Foote, Graham, Hamer, Harding, Hiatt, Howe, Jenckes, Jones, Kerr, Leslie, Lucas, M'Cully, Miller, Montgomery of W., Newell of F., Newell of W., North, Read, Rayburn, Rippey, Rulon, Runyan, Saylor, Schoonover, Shanks, Shortridge, Shoup, Sloan, Smydth of D., Stratton, and Wilson—48.

*Those who voted in the negative were,*

Messrs. Blair, Bradbury, Brown, Burgess, Butler of V., Clark of D. Cole, Coleman, Conwell, Farrington, Goodenow, Harrah, Harrison, Henley, Houghton, Lancaster, Mason, M'Crillis, Montgomery of G., Morgan, Peck, Robbins, Rose, Ross, Russell, Shawhan, Stanford, Sweetser of G., Sweetser of M., Welch, Woodard, and Mr. Speaker—33.

So said joint resolution passed.

Ordered, that the Senate be informed thereof.

No. 227, an engrossed bill supplemental to an act subjecting real and personal property to execution, approved February 4th, 1831;

Was read the third time, when,

Mr. Smydth of D., moved to re-commit said bill to a select committee with instructions to amend so as to include all debts due the State, the surplus revenue, sinking, saline and college funds.

Mr. Champer moved a division of the question, (which was on re-committing.)

And the ayes and noes being demanded thereon by Messrs. Bowers and Saylor,

*Those who voted in the affirmative were,*

Messrs. Bowers, Brenton, Burton, Butler of V., Byers, Carr, Casey, Clark of D., Cole, Hamar, Harding, Houghton, Jones, Mason, Morgan, Newell of W., North, Peck, Read, Shortridge, Smydth of D., Smith of F., Wilson, and Woodard—24.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Bowles, Bradbury, Brown, Burgess, Butler of C., Champer, Chiles, Chrisman, Clark of F., Clark of T., Coffeen, Coleman, Conner, Conwell, Defrees, Dowling, Dunbar, Elkins, Farrington, Foote, Goodenow, Graham, Harrison, Henley, Hiatt, Howe, Jenckes, Kerr, Lancaster, Leslie, Lucas, M'Coy, M'Crillis, M'Culley, Miller, Montgomery of G., Montgomery of W., Newell of F., Rayburn, Rippey, Robbins, Rose, Ross, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Stanford, Stratton, Sweetser of G., Sweetser of M., Welch, and Mr. Speaker—60.

So the House refused to re-commit said bill as proposed.

Mr. Wilson moved to re-commit said bill with the following instructions:

Strike out all that part which authorizes the sheriff levying the execution, to appoint appraisers to appraise real property levied on, and amend by inserting that no real property shall hereafter be sold for less than two-thirds of the value the same is, at the time of such levy, assessed or appraised to on the assessment or appraisement rolls of the county where it is situated.

Which motion did not prevail.

Mr. Smydth of D., moved to re-commit to a select committee with instructions to amend the bill so as to embrace debts due the sinking, saline, and college funds.

Which was disagreed to.

When Mr. Smydth of D., moved to lay said bill on the table.

And the ayes and noes were requested thereon by Messrs Smydth of D. and Butler of V.,

*Those who voted in the affirmative were,*

Messrs. Bowers, Bowles, Brenton, Brown, Butler of C., Butler of V., Byers, Carr, Casey, Cole, Conner, Conwell, Elkins, Graham, Hamer, Harding, Harrison, Hiatt, Houghton, Jones, Lancaster, Leslie, Mason, M'Crillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Ross, Russell, Shawhan, Shoup, Sloan, Smydth of D., Smith of F., Sweetser of G., Sweetser of M., Wilson, and Woodard—43.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Bradbury, Burgess, Burton, Champer, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Coleman, Defrees, Dowling, Dunbar, Farrington, Harrah, Henley, Howe, Jenckes, Kerr, Lucas, M'Coy, M'Cully, Read, Rayburn, Rippey, Robbins, Rose, Runyan, Saylor, Schoonover, Shanks, Shortridge, Stanford, Stratton, and Mr. Speaker—39.

So said bill was laid on the table.

The House then went into consideration of bills on the second reading.

No. 244, for the relief of J. B. Moulton, George D. Prentice, and George W. Weisinger, was read the second time, and,

On motion of Mr. Sweetser of M.,

Was amended by adding to the bill the following:

“Which shall be in full discharge of all their claims against the State.”

Said bill was then read the third time (the rules being suspended) and passed.

Ordered, that the Senate be informed thereof.

On motion of Mr. Mason,

The committee of the whole House was discharged from the further consideration of certain bills in relation to State officers and offices.

The first, No. 119, a bill regulating the salaries of Auditor, Secretary and Treasurer of State, was read the second time.

Mr. Mason moved to fill the first blank in the 1st section with \$1000 as the compensation of the Auditor, and \$500 for clerk hire.

Mr. Brenton moved to fill the first blank with 300.

The question being, Shall the blank be filled with 1000?

And the ayes and noes being demanded thereon by Messrs. Blair and Coleman,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Bowers, Bradbury, Brown, Butler of C., Butler of V., Casey, Champer, Clark of D., Clark of T., Coffeen, Cole, Conwell, Defrees, Dowling, Elkins, Farrington, Foote, Graham, Harding, Henley, Hiatt, Houghton, Howe, Jenckes, Lancaster, Mason, North, Rayburn, Robbins, Russell, Shanks, Shawhan, Shortridge, Smydth of D., Smith of F., Strattan, Sweetser of G., Sweetser of M., and Mr. Speaker—41.

*Those who voted in the negative were,*

Messrs. Blair, Bowles, Brenton, Burgess, Burton, Byers, Carr, Chiles, Chrisman, Coleman, Dunbar, Goodenow, Harrison, Jones, Kerr, Leslie, Lucas, M'Coy, M'Crillis, M'Cully, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of W., Peck, Rawlings, Read, Rippey, Rose, Ross, Runyan, Saylor, Shoup, Sloan, Stanford, Welch, Wilson, and Woodard—39.

So said blank was filled with 1000.

Mr. Runyan moved that the second blank be filled by inserting \$300.

The question being, Shall the blank be filled with \$500?

And the ayes and noes being demanded thereon by Messrs. Blair and Coleman,

*Those who voted in the affirmative were,*

Messrs. Ball, Bowers, Bradbury, Brown, Butler of C., Butler of V., Casey, Clark of D., Clark of T., Cole, Conwell, Defrées, Dowling, Farrington, Graham, Hamar, Harding, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Lancaster, Mason, Rayburn, Russell, Shortridge, Smith of F., and Mr. Speaker—31.

*Those who voted in the negative were,*

Messrs. Atherton, Blair, Bowles, Brenton, Burgess, Burton, Byers, Carr, Chrisman, Clark of F., Coffeen, Coleman, Dunbar, Foote, Goode-now, Harrison, Kerr, Leslie, Lucas, M'Coy, M'Crillis, M'Culley, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Peck, Rawlings, Rippey, Robbins, Rose, Ross, Runyan, Saylor, Shanks, Shawhan, Shoup, Sloan, Smydth of D., Standford, Sweetser of G., Sweetser of M., Welch, Wilson, and Woodard—49.

So the House refused to fill said blank with five hundred.

On motion of Mr. Smith of F.,

The blank was filled with four hundred.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment,

The Speaker laid before the House the following communication from the Governor:

EXECUTIVE DEPARTMENT, }  
January 25, 1841. }

HON. SAM. JUDAH,

*Speaker House of Representatives:*

SIR—Please communicate to the House over which you preside, that William J. Peaslee, Esq., Prosecuting Attorney of the fifth Judicial Circuit, has this day resigned said office.

Yours respectfully,

SAM. BIGGER.

Leave of absence was granted to Mr. Bradbury in consequence of indisposition.

The House then resumed the consideration of bill No. 119,

When Mr. Mason moved to fill the first blank in the 2nd section, with the number 1000, as the salary of the Treasurer.

Mr. Dowling moved a call of the House.

Which was ordered, and after some progress therein,

On motion of Mr. Jones,

The further prosecution of the call was suspended—a quorum having appeared.

Mr. Conwell moved to fill said blank with 1200.

And the ayes and noes being demanded thereon by Messrs. Burton and Chrisman,

*Those who voted in the affirmative were*

Messrs. Blair, Brown, Butler of V., Champer, Cole, Coleman, Conwell, Dowling, Farrington, Freeman, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Lancaster, Mason, Robbins, Russell, Smydth of Daviess, Smith of F., Sweetser of Marion, and Mr. Speaker—24.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Bowers, Bowles, Brenton, Burgess, Burton, Butler of C., Byers, Carr, Casey, Chiles, Chrisman, Clark of Fountain, Clark of Tip., Coffeen, Conner, Dunbar, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Kerr, Leslie, Lucas, McCrillis, McCully, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of Fountain, Newell of White, North, Peck, Rawlings, Read, Rayburn, Ritchey, Rippey, Rose, Ross, Runyan, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Stanford, Strattan, Sweetser of G., Wilson, and Woodard—58.

So the House refused to fill the blank with twelve hundred.

Mr. McCrillis moved to fill the blank with 1100,

And the ayes and noes were demanded thereon by Messrs. Burton and Rippey,

*Those who voted in the affirmative were,*

Messrs. Blair, Bowers, Brenton, Brown, Butler of Vanderburgh, Champer, Coffeen, Cole, Coleman, Conwell, Dowling, Farrington, Freeman, Harrison, Henley, Houghton, Howe, Jenckes, Jones, Lancaster, Mason, McCrillis, Newell of White, Robbins, Russell, Smydth of Daviess, Smith of Fayette, Sweetser of Marion, and Mr. Speaker—29.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blankenship, Bowles, Burgess, Burton, Butler of Cass, Byers, Carr, Casey, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Conner, Dunbar, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Hiatt, Kerr, Leslie, Lucas, McCully, Miller, Montgomery of G., Montgomery of Warren, Morgan, Newell of F., North, Peck, Rawlings, Read, Rayburn, Ritchey, Rippey, Rose, Ross, Runyan, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Stanford, Strattan, Sweetser of Grant, Wilson and Woodard—55.

So the house refused to fill the blank with eleven hundred.

The question being, Will the House fill said blank with 1000,  
It was agreed to.

So the salary of said Treasurer was fixed at \$1000.

On motion of Mr. Mason,

The 2d blank in the second section was filled with 500.

Mr. Newell of F. moved to fill the 1st blank in the 3d section of the bill with 800.

Mr. Champer moved 1000.

Mr. Burton moved 400.

Mr. Stanford moved 900.

The question being first put on filling the blank with 1000,  
Was decided in the negative.

The question being next put on filling the blank with 800,  
It was agreed to.

Mr. Clark of D. moved to fill the 2d blank in the 3d section with 300,

Mr. Conwell moved 200.

The question being first put on filling the blank with 300,

It was agreed to, when,

Said bill and amendments were ordered to be engrossed for a third reading.

No. 120—A bill to provide for keeper of the State House and Library,

Was read the second time, when,

On motion of Mr. Mason,

It was amended by adding the following additional sections to the bill:

Which were read and the bill and amendments were ordered to be engrossed for a third reading on to-morrow.

No. 121—To amend an act entitled an act to authorize the loaning the College Fund,

Which was read the second time and ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Smith of F.,

Bill No. 202—To classify the public works,

Was taken from the table, and,



On motion of Mr. Graham,

The house resolved itself into committee of the whole house on said bill.

And after sometime spent therein, the Speaker resumed the chair, and Mr. Graham reported that the committee had according to order had the bill generally under consideration, and had directed him to report the same to the house, and ask to be discharged from the further consideration thereof.

The committee was discharged accordingly.

Mr. Shanks made the following report,

MR. SPEAKER—

The committee on engrossed bills have compared the engrossed with the original bills of the following title:

No. 218—Repealing the 8th section of an act incorporating the Leesburgh School Society, approved Feb. 17, 1840.

No. 220—To change the name of the town of Milford in Warren county.

No. 228—A joint resolution relative to the extension of pre-emption rights.

No. 227—Supplemental to "an act subjecting real and personal estate from execution," approved Feb. 4, 1831.

And find the same correctly engrossed.

Mr. Butler of C. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the house of the following titles and find the same duly enrolled, to-wit:

No. 157—An act to define the boundary line between the counties of Clark and Floyd,

No. 210—An act for the location of a state road in the counties of Harrison and Crawford.

No. 181—An act to re-appropriate certain moneys therein named,

No. 184—An act to amend an act entitled an act subjecting real and personal estate to execution, approved February 4th, 1831.

No. 95—An act to provide for the selection of grand and petit jurors.

No. 90—An act to amend an act entitled an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan creek in Dearborn county.

No. 113—An act for the relief of the late collectors for the county of Harrison and for other purposes.

No. 133—An act to authorize William Mumford to build a bridge across the Wabash river in the county of Wabash.

No. 169—An act legalizing the acts of William G. Thomas, school commissioner of Spencer county and for other purposes.

No. 73—An act for the preservation of sheep; also,

BILLS OF THE SENATE.

No. 70—An act to amend an act entitled an act to incorporate the town of Newcastle in the county of Henry, approved February 6th, 1839.

No. 68—An act to authorize the board of commissioners doing county business within and for the county of Switzerland, Indiana, to establish a toll bridge over Indian creek, in said county.

No. 69—An act relative to officers of State.

MR. SPEAKER—

The joint committee on enrolled bills report that they have this day presented to his Excellency the Governor for his approval and signature the following entitled acts, to-wit:

No. 210—An act for the location of a state road in the counties of Harrison and Crawford.

No. 184—An act to amend an act entitled an act subjecting real and personal estate to execution, approved Feb. 4th, 1831.

No. 181—An act to re-appropriate certain moneys therein named.

No. 169—An act legalizing the acts of William G. Thomas, school commissioner of Spencer county and for other purposes.

No. 157—An act to define the boundary line between the counties of Clark and Floyd.

No. 133—An act to authorize William Mumford to build a bridge across the Wabash river in the county of Wabash.

No. 113—An act for the relief of the late collectors for the county of Harrison and for other purposes.

No. 95—An act to provide for the selection of grand and petit jurors.

No. 73—An act for the preservation of sheep.

No. 90—An act to amend an act entitled an act to authorize Daniel J. Hancock and Isaac Hancock to build a toll bridge across South Hogan.

On motion,

The House adjourned until to-morrow morning 9 o'clock.

TUESDAY, JANUARY 26th, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maguire their Secretary.

Mr. SPEAKER—

The Senate has passed engrossed bills thereof, entitled as follows:

No. 58—An act to authorize John Brown to invest certain money in bank stock for the use of heirs.

No. 91—An act to incorporate the Orleans Band of musicians,

No. 132—An act to incorporate the Putnam Band of music,

No. 133—An act to amend an act entitled “an act to allow further time to the Lawrenceburgh and Indianapolis Rail Road Company to settle up and close their affairs,” approved February 18, 1840.

The Senate has refused to concur in the first amendment of the House of Representatives to bill of the Senate No. 25, entitled “an act to amend an act entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1831,” and has concurred in the second amendment of the House to said bill with an amendment.

In which bills of the Senate and the amendment of the Senate to the amendment of the House to the bill of the Senate, I am directed to ask the concurrence of the House of Representatives.

The Senate has passed engrossed bills and joint resolutions of the House of Representatives entitled as follows, without amendment, viz:

No. 87—An act for the relief of Marshall S. Wines.

No. 212—An act to vacate Spring street in the town of Covington in the county of Fountain.

No. 213—An act to establish permanent corners to the streets, alleys and lots in the town of Corydon.

No. 214—A joint resolution on the subject of the National Road.

No. 224—An act to amend an act entitled “an act to provide for the election of an additional justice of the peace and constable for Morgan township in the county of Harrison.

No. 227—A joint resolution for the benefit of St. Joseph county.

No. 230—An act to legalize the election of Probate Judge in Kosciusko county.

No. 249—An act to amend an act entitled an act authorizing the sale of certain school lands therein named and for other purposes, approved Jan. 1, 1838.

The Senate has also passed engrossed bills of the House of Representatives of the following titles, each with an amendment, viz:

No. 130—An act to extend the benefits of an act entitled “an act to incorporate the Marion Fire Engine Company,” approved January 20, 1838.

No. 159—An act to incorporate the town of Carlisle in Sullivan county.

No. 206—An act to amend an act entitled “an act to incorporate the Liverpool Bridge Company.”

No. 243—An act repealing an act regulating the jurisdiction of justices of the peace in Madison county, approved Feb. 17, 1838.

No. 254—An act providing for an additional term of the circuit court in Delaware county.

In which amendments I am directed to ask the concurrence of the House.

The amendments of the Senate to bills of the House No. 130, 159, 240, 206 and 254, were severally read and concurred in.

Bills of the Senate No. 58, 91, and 132, named in the message,

Were read the first time and passed to a second reading on to-morrow.

Bill No. 133 named in the message,

Was read the first and second times (the rules being suspended) and committed to the committee on corporations.

Mr. Smith of F. moved that the House recede from its first amendment to the bill of the Senate No. 25, named in the message;

And the ayes and noes being demanded thereon by Messrs. Walpole and Brenton,

*Those who voted in the affirmative were,*

Messrs. Blair, Bowers, Champer, Chiles, Dunn, Freeman, Montgomery of G., Newell of F., Smith of F., and Sweetser of G.—10

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blankenship, Bowles, Brenton, Brown, Burgess, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Chrisman, Clark of F., Clark of T., Coffeen, Cole, Conner, Conwell, Dowling, Dunbar, Farrington, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Leslie, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of W., Morgan, North, Peck, Rawlings, Read, Reyburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Stanford, Stratton, Sweetser of M., Walpole, Welch, Wilson, Woodard and Mr. Speaker—73.

So the House refused to recede from its first amendment.

## PETITIONS PRESENTED.

By *Mr. Burton*, of the citizens of Clay county concerning state funds;

Which was read and laid on the table.

By *Mr. Runyan* remonstrance of the citizens of Kosciusko county, against the changing of a state road therein named;

Which was referred to the committee on roads.

*Mr. Clark of D.*, the petition of sundry citizens of Dearborn county asking that imprisonment for debt may be abolished;

Which was referred to the same select committee to which other petitions on that subject had been referred.

By *Mr. Stratton*, of sundry citizens of Hagerstown, in Wayne county, concerning the chartering the *Hagerstown* canal company;

Which was referred to the committee on corporations;

By *Mr. Clark of T.*, the petition of James Kinkennon and others, citizens of Tippecanoe county, praying a law to be passed providing that property both real and personal shall not be sold on execution for less than two thirds of its appraised value;

Which was laid on the table.

By *Mr. Clark of T.*, the petition of Elnathan Cory and other citizens of Tippecanoe county praying that a certain state road commencing in said county and running towards the Illinois state line be located;

Which was referred to a select committee.

*Mr. Brenton* made the following report:

**MR. SPEAKER—**

The judiciary committee to whom was referred a bill of the *House* No. 217, entitled a bill to dispense with records in certain cases and to authorize amendments in pleading, have had the same under consideration and have directed me to report the same back to the *House* without amendment, and ask to be discharged from the further consideration thereof.

*Mr. Walpole* moved the following amendment to said bill:

Add the following section:

Be it further enacted, that hereafter it shall not be necessary for any defendant or defendants to file any special plea or pleas in any common law case to be tried in any circuit court of this state or before any justice of the peace, but it shall be lawful for said defendant or defendants to file the general issue—and upon such issue given, all evidence relevant to said case, in the same manner as if all of the said facts were specially pleaded.

When on motion of *Mr. Freeman*, said amendment was laid on the table.

*Mr. Smydth of D.*, moved that the bill be laid on the table.

And the ayes and noes being demanded thereon by *Messrs. Conwell and Cole.*

*Those who voted in the affirmative were,*

*Messrs. Butler of C., Butler of V., Clark of T., Elkins, Farrington, Howe, Montgomery of G., Newell of F., Robbins, Smydth of D., Stratton, Walpole, and Mr. Speaker—13.*

*Those who voted in the negative were,*

*Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Brenton, Brown, Burgess, Burton, Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D., Clark of F., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin Foote, Freeman, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Jenckes, Kerr, Lancaster, Leslie, Lucas, Mason, McCoy, McCrillis, McCulley, Miller, Montgomery of W., Morgan, Newel of W., North, Peck, Rawlings, Read, Reyburn, Rippey, Rose, Ross, Runyan, Russell, Saylor, Shanks, Shawhan, Shortridge, Shoup, Sloan, Smith of F., Stanford, Sweetser of G., Sweetser of M., Welch, Wilson, and Woodard—74.*

So the *House* refused to lay said bill on the table.

Said bill was then ordered to be engrossed for a third reading on tomorrow.

Mr. Howe made the following report:

MR. SPEAKER;

The committee on the judiciary, to which was referred bill No. 223 of the House, entitled a bill to legalize and give effect to certain official acts of the late clerk of Floyd circuit court; having considered the same, have instructed me to report the same back without amendment, and recommend its passage.

Said bill was then ordered to be engrossed for a third reading on tomorrow.

Mr. Robbins made the following report:

MR. SPEAKER;

The committee on the judiciary to whom was referred the petition of Harper Hunt and others, praying that the name of Benton county be changed to Tipton; have had the same under consideration, and have directed me to report the said petition to the House, and recommend that it be referred to a select committee, of which the Representative of Benton county shall be chairman.

The report was concurred in, and said petition was referred to a select committee of Messrs. Newell of W. Clark of T. M'Cully and Montgomery of W.

Mr. Sweetser M. made the following report:

Mr. SPEAKER;

The committee on the judicary to whom was referred a joint resolution, in relation to the condition of state bonds passed from the agents of the state without payment, have had the same under consideration, and directed me to report the same to the House, and recommend that it be referred to a select committee of which the gentleman who introduced the same shall be chairman, and pray to be discharged from the further consideration of the same.

Said report was concurred in, and said joint resolution referred to a select committee of Messrs. Burton, Read and Kerr.

The House then resumed the consideration of the amendment as amended, reported to the House by Mr. Lancaster, on bill No. 168;

Which was pending on yesterday morning at 11 o'clock, when the House took up the orders of the day.

Mr. Burton moved to amend the amendment of the committee, by striking out the fourth section thereof.

Which amendment was adopted.

A motion was made by Mr. Burton to strike out the second section,

And before any decision was had thereon;

On motion of Mr. Stanford,

Said bill and amendments were recommitted to a select committee of Messrs Stanford, Walpole and Lancaster.

Mr. Chiles made the following report:

Mr. SPEAKER—

The select committee to whom was referred a petition of sundry citizens of Putnam county, on the subject of a state road therein named, have had the same under consideration, and have directed me to report the following bill;

No. 260, to change a state road in Putnam county;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Dunbar made the following report:

Mr. SPEAKER:

The committee to whom was referred the petition of David Phigley, praying for a divorce, have had the same under consideration, and directed me to report:

That as a general rule, they think the proper tribunal for granting divorces, is the circuit court, where all the circumstances of the case may be strictly investigated, and equal justice meted to both parties; and finding nothing in the present application, which would make it an exception to the general rule, or require legislative action, beg

leave to be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged.

Mr. Butler of V. made the following report:

MR. SPEAKER;

The committee composed of the members from the fourth judicial circuit, to whom was referred No. 258, a bill fixing the time of holding courts in the fourth judicial circuit, have had the same under consideration, and seven of the eight members have directed me to report it back to the House with an amendment, and recommend its passage.

Which amendment was read, and concurred in.

Mr. Conner moved the following amendments to the bill;

In the county of Warrick on the second Monday of April, and third Monday of October.

In the county of Spencer on the third Monday of April, and fourth Monday of October.

In the county of Vanderburgh, in which the court shall sit twelve days at the March term thereof, and eighteen days at the September term.

In the county of Spencer the court shall sit six days at the April term, and twelve days at the October.

Strike out second in the 16 line,

Which was not adopted.

A motion was made by Mr. Jones, to amend the bill so as to provide for its publication in the Indiana Journal;

Which motion prevailed.

Said bill was then read a third time, (the rules being suspended) and passed.

Ordered that the clerk inform the Senate thereof.

Mr. M'Crillis from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Willis Hays and others, relative to a state road, have had the same under consideration, and have directed me to report a bill, in accordance with the prayer of the petitioners;

No. 261, a bill to establish a state road from Mount Pleasant in Martin county, to Rockport in Spencer county;

Was read a first time, and passed to a second reading on to-morrow.

Mr. Houghton made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Uriah Luttrell and others, praying a relocation of a certain state road in



Martin county, have had the same under consideration, and directed me to report the following bill;

No. 262, a bill to re-locate the Rockport and Bloomington State road in Martin county;

Was read the first time and passed to a second reading on to-morrow.

Mr. Champer made the following report:

Mr. SPEAKER—

The minority of the select committee to whom was referred bill No. 168, entitled "a bill to amend an act approved February 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to by virtue of an act of Congress, approved the 23rd June, 1836," beg leave to submit the following as a counter report to that of the majority:

It is believed to have been unwise legislation in the first instance, to have distributed that fund in the manner it was, among the different counties of the State; particularly at a time like that, when the whole country was inflated with a spirit of speculation such as then pervaded this country. It is deemed both unnecessary and improper to go into an examination of the causes which brought about such a state of things at that time, but that it was the case to an unparalleled extent, will not be controverted. This fund was then tendered to the people on personal security, thus offering to every class of community the strongest possible inducements, in addition to the universal desire which was common to every bosom, to participate in the mania then raging for speculation and experiment. They did partake, and borrowed every dollar it was in their power to obtain, with no other assurance from the law as it then existed, and the general course of legislation in such matters, but that the future application of that fund would be for the benefit equally of all. That fund was expended by the community for real estate, stock in trade, personal property, and all the other various uses in domestic life. Instead of those investments producing to the persons engaged heavy profits, as they then reasonably had a right to anticipate, the very opposite result is sadly true. The odds has been against them. It has, however, not only been the case with the borrowers of the surplus revenue, but with every class of our citizens. All have failed in their enterprises.

Now, when our political sun-shine is obscured by the impending gloom that shrouds the whole monetary surface of the Republic, it would seem not only ill-timed legislation, but is it not inhuman to enforce by law an invidious distinction between the subjects of that law, which, while it elevates a part, crushes the other part beyond any hope of recusitation? The bill reported by the majority of the committee, seems to go upon the principle of taking from those that have not even that which they have, and giving it to those who have—a

principle I do not think should be so literally carried out as to require hereafter all loans of that fund made, to be on landed security. If it were true, either that that fund had heretofore been so loaned, or that the people were as able to pay their debts now as when that money was first distributed, you would not find so great a number of our most worthy and deserving citizens obnoxious to the abrupt change proposed in our legislation on this subject. If those inducements had not been improvidently tendered them by the State herself, they would never have fallen into the error of borrowing capital for mere purposes of speculation, but have contented themselves, as they were accustomed to do, in living on the slow but certain accumulation of their own industry. These inducements, however, being held out to them by the State, they unwittingly engaged in speculation, as the State herself has done, at a time too when the most experienced amongst us could not have foreseen the collapts that awaited us. It is now impossible for a large majority of them to pay up. If therefore the provision in that bill regulating landed security is sustained, inevitable ruin to those men will be the consequence, and that too, not on account of their unworthiness, but because it is their misfortune not to be the holders of landed property.

Under circumstances like the present, which must, in such event, produce the effects here described, let the object of the legislature be ever so laudable, it is a question of grave inquiry, whether it is wise to proceed. The provision proposed in that bill will bring about another result equally deleterious in its consequences. It will, through the agency of the State, take from the hands of the less wealthy the ready money, and place it in the hands of the more wealthy, thereby enabling them to buy up the property of their poorer neighbors under the hammer, at their own price; thus building up, as far as legislative action in the premises can be brought to bear, a property aristocracy, which is at once opposed to the spirit and genius of all the institutions of our country. It should be the object of every law to operate justly and equally upon every member of the community where it is to be enforced, and more particularly in a case like the present one, where those whose rights are to be more immediately affected by its operation, had no agency in bringing about the causes which lead to its passage.

On motion of *Mr. Read*,

The rules of the House were suspended to give time for the introduction of bills and joint resolutions.

*Mr. Newell of F.*, introduced a joint resolution, No. 163, relative to the Wabash and Erie canal;

Which was read the first time and passed to a second reading on to-morrow.

#### BILLS INTRODUCED.

By *Mr. Cole*, No. 264, a bill to incorporate the town of Wilmington, in Dearborn county;

Which was read the first and second times, (the rules being suspended,) and referred to the committee on Corporations.

By Mr. Smydth of D., No. 265, a bill to change the time of holding probate courts in Daviess county;

Which was read the first time and passed to a second reading on to-morrow.

By Mr. Smith of F., No. 259, a bill to secure the safety of the public funds by requiring bonds of certain officers;

Which was read the first time and passed to a second reading on to-morrow.

By Mr. Montgomery of G., No. 266, a bill to amend an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, approved Feb. 17, 1838.

Which was read the first time and passed to a second reading on to-morrow.

By Mr. Read, No. 267, a bill relative to the will of the late George Boon of Sullivan county;

Which was read the first and second times, (the rules being suspended,) and committed to the committee on the Judiciary.

By Mr. Dowling, No. 268, a bill for the relief of Alexander Beard;

Which was read the first and second times, (the rules being suspended,) and committed to the committee on Canals and Internal Improvements.

By Mr. M'Coy, No. 269, a bill relative to the organization of the Shelbyville independent rifle company;

Which was read the first time and passed to a second reading on to-morrow.

By Mr. Atherton, No. 270, a bill regulating the times of holding courts in the county of Madison, in the 11th Judicial circuit;

Which was read the first, second and third times, (the rules being suspended,) and passed.

Ordered, that the Senate be informed thereof.

By Mr. Durbin, No. 272, a bill to provide in part for the redemption of Treasury notes;

Which was read the first time and passed to a second reading on to-morrow.

By Mr. Houghton, No. 271, a bill extending the boundaries of Martin county;

Which was read the first time and passed to a second reading on to-morrow.

On motion of Mr. Smith of F.,

The House took up the orders of the day.

The Speaker laid before the House the following communication from the Auditor of Public accounts;

Which was read and laid on the table

AUDITOR'S OFFICE, January 25, 1841.

*To the Honorable Speaker**of the House of Representatives:*

In answer to a resolution adopted by the House of Representatives, "requesting the Auditor to furnish the names of all the clerks employed by the last legislature, the services rendered by each, and the amount of compensation received therefor," the following report is submitted:

Charles H. Test, Secretary of the Senate,	\$391 50	
A. F. Morrison, Assistant Secretary,	386 00	
W. A. Gorman, Enrolling " "	297 50	
	<hr/>	1,075 00
Joshua Soule, Assistant's assistant secretary,	54 00	
Robert Goudy, " " "	4 50	
E. S. Alvord, " " "	4 50	
W. D. Farley, " " "	63 00	
Lewis Bollman, " " "	4 50	
J. F. Brown, " " "	4 50	
	<hr/>	135 00
Lewis Bollman, Assistant Enrolling Clerk,	7 00	
James G. Jordan, " " "	3 50	
J. F. Brown, " " "	3 50	
W. D. Farley, " " "	8 75	
	<hr/>	22 75
		<hr/>
Total of Senate,		\$1,232 75
H. J. Harris, Secretary of the H. R.	382 50	
N. Bolton, Ast. " " "	382 00	
H. Secrest, Enrolling Secretary,	297 50	
J. F. Brown, Assistant's ass't sec'ty of the H. R.	54 00	
Joshua Soule, " " " "	9 00	
	<hr/>	1,125 00
Lewis Bollmann, Assistant Enrolling Secretary,	63 00	
W. D. Farley, " " "	3 50	
J. F. Brown, " " "	3 50	
W. D. Wygant, " " "	12 25	
John Hayden, " " "	7 00	
James Bradley, " " "	7 00	
J. M. Talbott, " " "	7 00	
	<hr/>	103 25
		<hr/>
Total of House,		\$1,228 25

Joshua Soule, Clerk to Canal committee,	24 00	
Tho's P. Baldwin, Clerk to St. Bank committee,	75 00	
Same, Clerk to select committee,	12 00	
		111 00
Total amount of the Senate brought forward,		\$1,339 25
		1,232 75
Whole amount,		\$2,572 00
Respectfully,		
	M. MORRIS, A. P. A.	

Mr. Smydth of D., moved to take up bill No. 227, a bill supplemental to an act subjecting real and personal property to execution, approved February 4, 1831;

Which was read a third time.

And the question being demanded thereon by Messrs. Jones and Sloan,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Brenton, Butler of C., Champer, Chiles, Chrisman, Clark of D., Clark of F., Coffeen, Coleman, Conwell, Defrees, Dunn, Dunbar, Durbin, Foote, Freeman, Howe, Lucas, M'Coy, M'Cully, Miller, Peck, Rawlings, Rayburn, Ritchey, Rippey, Robbins, Rose, Runyan, Russell, Saylor, Schoonover, Shanks, Shortridge, Shoup, Smydth of D., Walpole, and Mr. Speaker—42.

*Those who voted in the negative were,*

Messrs. Bowles, Brown, Burgess, Burton, Butler of V., Byers, Carr, Caséy, Cole, Conner, Farrington, Goodenow, Graham, Hamer, Harding, Harrah, Henley, Hiatt, Houghton, Jenckes, Jones, Kerr, Lancaster, Leslie, Mason, M'Crillis, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Read, Ross, Rulon, Shawhan, Sloan, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Wilson, and Woodard—44.

So said bill was rejected.

No. 119—"A bill regulating the salaries of Auditor. Secretary and Treasurer of State,"

Was read the third time and passed.

Ordered that the Senate be informed thereof,

No. 120—"A bill to provide for keeper of the State House and Library,"

Was read a third time, and,

On motion of Mr. Smith of F.,

It was committed to the same committee from which it was reported with instructions to amend the first section as follows:

“Sec. 1. The Private Secretary of the Governor shall hereafter act as Librarian of the State Library and keeper of the State House and State House square, and shall in all things pertaining to said Library and public property, be governed as hereinafter provided.”

On motion of Mr. Sweetser of M.,

The instructions were further amended;

“Strike out the words “full and complete evidence,” in the 5th section and insert “prima facie evidence.”

No. 121—A bill to amend an act to authorize the loaning of the College Fund,”

Was read the third time and passed.

No. 49—“A bill the better to provide for the annual supplies of paper, stationary, lights and fuel, for state purposes,”

Was read the third time and passed.

Ordered that the Senate be informed thereof.

Mr. Walpole moved to discharge the committee of the whole from the further consideration of bill,

No. 124—“A bill to abolish imprisonment for debt and subject choses in action and equitable interests to execution,”

Which was agreed to,

And the bill was read a second time.

Mr. Butler of Vanderburgh moved to indefinitely postpone said bill,

And the ayes and noes being demanded thereon by Messrs. Runyan and Walpole,

*Those who voted in the affirmative were*

Messrs. Atherton, Butler of Vanderburgh, Chiles, Coleman, Conner, Defrees, Dunbar, Farrington, Harrah, Harrison, Hiatt, Howe, Jenckes, Jones, Leslie, Mason, McCrillis, Montgomery of G., Montgomery of Warren, Newell of Fountain, Newell of White, Rawlings, Ross, Russell, Saylor, Schoonover, Sloan, Smydth of Daviess, Smith of Fayette, Stratton, Sweetser of Grant, Sweetser of M., and Wilson—33.

*Those who voted in the negative were*

Messrs. Ball, Blair, Blankenship, Bowers, Bowles, Brenton, Brown, Burton, Butler of Cass, Byers, Carr, Casey, Chrisman, Clark of Dearborn, Clark of Fountain, Clark of Tip., Coffeen, Cole, Conwell, Dunn-Durbin, Foote, Freeman, Goodenow, Graham, Hamer, Harding, Henley, Kerr, Lancaster, Lucas, McCoy, McCully, Morgan, North, Peck,

Read, Rayburn, Ritchey, Rippey, Robbins, Rose, Runyan, Shanks, Shawhan, Shortridge, Shoup, Stanford, Walpole, Woodard and Mr. Speaker—51.

So said bill was not indefinitely postponed.

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

And resumed the consideration of bill No. 124, which was under consideration when the House adjourned; when

On motion,

Said bill was recommitted to the judiciary committee.

Mr. Shawhan moved to reconsider the vote on the passage of bill No. 227—A bill supplemental to an act subjecting real and personal property to execution," approved February 4th, 1831.

Mr. Jones moved a call of the House,

Which was ordered.

And after some progress therein, a quorum appearing, the call was suspended.

And the question being, Will the House reconsider the vote on the passage of bill No. 227,

And the ayes and noes being demanded thereon by Messrs. Jones and Walpole,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowles, Brenton, Brown, Burgess, Butler of Cass, Carr, Champer, Chiles, Chrisman, Clark of D., Clark of F., Coffeen, Cole, Coleman, Conwell, Defrees, Dunn, Dunbar, Durbin, Elkins, Foote, Freeman, Goodenow, Hamer, Harrison, Howe, Lucas, McCoy, McCrillis, McCully, Miller, Morgan, Newell of W., North, Peck, Rawlings, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Smydth of D., Stratton, Walpole, Woodard and Mr. Speaker—60.

*Those who voted in the negative were*

Messrs. Butler of Vanderburgh, Casey, Conner, Dowling, Farrington, Harding, Harrah, Hiatt, Jenckes, Jones, Kerr, Lancaster, Leslie, Montgomery of Gibson, Montgomery of Warren, Newell of F., Rulon, Sloan, Stanford, Sweetser of G., Sweetser of M., Welch and Wilson—23.

So said vote was re-considered.

Mr. Jones moved to re-commit said bill to a select committee with the following instructions:

“Amend so as not to effect the collection of any judgments upon which stay of execution has been taken.”

Mr. Champer moved a division of the question, on re-committing.

And the ayes and noes being demanded thereon by Messrs. Jones and Walpole,

*Those who voted in the affirmative were*

Messrs. Blair, Bowers, Bowles, Brenton, Burgess, Burton, Butler of Vanderburgh, Carr, Casey, Cole, Conner, Farrington, Goodenow, Harding, Harrah, Hiatt, Jenckes, Jones, Kerr, Lancaster, McCrillis, Montgomery of Gibson, Montgomery of Warren, Newell of White, North, Read, Ritchey, Rulon, Shawhan, Sloan, Stratton, Sweetser of Grant, Sweetser of Marion, Wilson and Woodard—35.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blankenship, Brown, Butler of Cass, Champer, Chiles, Chrisman, Clark of Dearborn, Clark of Fountain, Coffeen, Coleman, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin, Elkins, Foote, Freeman, Hamer, Harrison, Henley, Howe, Leslie, Lucas, McCoy, McCully, Miller, Morgan, Newell of Fountain, Rawlings, Rayburn, Rippey, Robbins, Rose, Runyan, Russell, Saylor, Schoonover, Shoup, Smydth of Daviess, Walpole, Welch and Mr. Speaker—48.

So the House refused to recommit.

Mr. Brown moved to re-commit said bill to a select committee, with instructions to put real estate on an equal footing with personal property.

Which was not agreed to.

The question then recurred on the passage of said bill,

And the ayes and noes being demanded thereon by Messrs. Jones and Sloan,



*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Brenton, Burgess, Butler of C., Carr, Champer, Chiles, Chrisman, Clark, of D., Clark of F., Coffeen, Coleman, Conwell, Defrees, Dunn, Dunbar, Durbin, Elkins, Foote, Freeman, Hamer, Harrison, Howe, Lucas, McCoy, McCully, Miller, North, Rawlings, Rayburn, Kitchey, Rippey, Robbins, Rose, Runyan, Russell, Saylor, Schoonover, Shanks, Shortridge, Shoup, Walpole, and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Bowles, Brown, Burton, Butler of V., Casey, Cole, Conner, Dowling, Farrington, Goodenow, Harding, Harrah, Henley, Hiatt, Jenckes, Jones, Kerr, Lancaster, Leslie, McCrillis, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., Read, Ross, Rulon, Shawhan, Sloan, Smydth of D., Standford, Stratton, Sweetser of G., Sweetser of M., Wilson, and Woodard—37.

So said bill passed.

Ordered that the Senate be informed thereof.

Mr. Montgomery of W., moved,

That the committee of the whole be discharged from the consideration of bill No. 78, two reports from Samuel Merrill, Esq. President of the State Bank, and a petition from sundry citizens of Clay county on the subject of mortgages to the sinking fund, and that the petition and reports be laid on the table.

Which motion was agreed to.

No. 78, a bill providing, in part, for the payment of the bank debt; Was read a 2d time, when,

Mr. Farrington moved to strike out of the 2d section, "February" and insert "January."

Which motion prevailed.

Mr. Farrington moved further to amend the 3d section by striking out of the 1st and 2d lines the words "should be unable to effect a sale of state bonds on the terms aforesaid on or before the first July next they."

Which amendment was also adopted.

Mr. Dunn moved the following amendment:

Strike out 2d and 3d sections and insert:

Sec. 2. The bonds thus to be negotiated shall be 6 per cent. sterling bonds, payable in thirty years, leaving it, however optional with the state of Indiana, to pay the same at any time after three years, provided the state bank will receive said bonds at par and in absolute payment, which bonds shall be offered to said bank within sixty days from the first day of February next.

Which was not adopted.

Mr. Burton moved to strike out all that part which relates to "sterling bonds;"

Which was not adopted.

Mr. Henley made a motion to strike out from the enacting clause, and insert the following:

That the loans heretofore negotiated for the increase of bank capital and not yet collected are hereby set a part for the payment of the debt due the state bank of Indiana for advances made by said bank on account of the system of internal improvement.

That so much of the act providing for additional branches of the state bank of Indiana, as comes within the purview of this act be and the same is hereby repealed.

And the ayes and noes being demanded thereon by Messrs. Bowles and Henley.

*Those who voted in the affirmative were,*

Messrs. Bowles, Brenton, Burton, Byers, Carr, Casey, Chrisman, Clark of F., Cole, Dunbar, Henley, Leslie, Lucas, McCoy, McCully, Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, Shanks, Stratton, and Walpole—25.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Brown, Burgess, Butler of C., Butler of V., Chiles, Clark of D., Clark of T., Coffeen, Conner, Defrees, Dowling, Dunn, Durbin, Farrington, Foote, Freeman, Goodenow, Hamer, Kerr, Lancaster, Mason, McCrillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., Rayburn, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Smyth of D., Smith of F., Standford, Sweetser of G. Welch, Wilson, Woodard, and Mr. Speaker—54.

So the House refused to adopt said amendment.

On motion of Mr. Farrington,

A call of the House was ordered.

After some progress therein the call was suspended, a quorum appearing.

The question then recurred on ordering the bill to be engrossed for a third reading.

And the ayes and noes being demanded thereon by Messrs. Bowles and Rippey.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Brown, Burgess, Butler of C., Butler of V., Chiles, Clark of D., Clark of T., Coffeen, Cole, Conner, Defrees, Dowling, Dunn, Durbin, Farrington, Foote, Freeman, Goodenow, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Mason, Mc-

Crillis, Miller, Montgomery of G., Morgan, Newell of F., Newell of W., North, Reyburn, Robbins, Rose, Ross, Runyan, Russell, Saylor, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Sweetser of M., Welch, Wilson, Woodard and Mr. Speaker—59.

*Those who voted in the negative were,*

Messrs. Bowles, Burton, Brenton, Byers, Carr, Casey, Chrisman, Clark of F., Dunbar, Henley, Leslie, Lucas, McCoy, McCully, Montgomery of W., Rawlings, Read, Ritchey, Rippey, Rulon, Schoonover, Shanks, Shawhan, Shortridge, and Walpole—25.

And so said bill was ordered to be engrossed for a third reading on to-morrow.

No. 233, a bill to repeal an act entitled an act to repeal a certain act in Dearborn county, therein named, approved Feb. 5, 1839;

Was read the second time and ordered to be engrossed for a third reading.

No. 234, a bill authorizing the survey of a canal from Peru to the head of Salt river and the Erie and Michigan canal;

Was read the second time and laid on the table,

No. 235, a joint resolution relative to the sale of state bonds;

Was read the second time, when,

A motion was made by Mr. Champer, to amend by inserting the following words:

“Except hereinafter authorized by law;”

Which motion did not prevail.

Mr. Morgan moved to insert, “or hypothecation,” after the word “sale.”

Which was adopted.

Said joint resolution was then ordered to be engrossed and read a third time on to-morrow.

No. 236, a bill amendatory to an act locating a state road;

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

No. 237, a bill to repeal the 14th section of an act, entitled an act in relation to state roads, approved 24th January, 1840;

Was read the second time; when,

Mr. Durbin moved that said bill be indefinitely postponed;

And the ayes and noes being demanded thereon by Messrs. Burton and Stanford;

*Those who voted in the affirmative were*

Messrs. Atherton, Blair, Blankenship, Bowers, Burgess, Ball, Brown, Butler of C., Byers Carr, Champer, Clark of D. Cole, De-frees, Durbin, Dunbar, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Harding, Harrah, Henley, Hiatt, Jenckes, Lucas, Mason, M'Crillis, Miller, Montgomery of G. Montgomery of W. Morgan, Newell of F. Newell of W. Peck, Rawlings, Read, Rayburn, Ritch-

ey, Rose, Ross, Runyan, Russell, Shanks, Shawhan, Shortridge, Shoup, Stanford, Stratton, Sweetser of G. Woodard and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Bowles, Brenton, Burton, Butler of V. Clark of F. Clark of T. Elkins, Houghton, Leslie, M'Cully, North, Schoonover, Smydth of D. Sweetser of M. Walpole and Wilson—15.

So said bill was indefinitely postponed.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared the engrossed with the original bills of the House, as follows:

No. 119, regulating the salaries of Auditor, Treasurer and Secretary of State;

No. 120, to provide for keeper of the State House and Library;

No. 121, to amend an act, to authorize the loaning of the College Fund;

And find the same correctly engrossed.

Mr. Byers made the following report:

MR. SPEAKER;

The joint committee on enrolled bills, have compared the following engrossed with the enrolled bills of the House, as follows, to-wit:

No. 154, an act providing for draining the swamps, ponds, marshes and other low lands within the county of Spencer;

No. 156, an act entitled an act for the relief of school district No. 3, in township No. 6, (six) south of range No. 10, west in Vanderburgh county;

No. 129, an act to incorporate the Bristol manufacturing company;

Also No. 82, of the Senate, an act to incorporate the Logansport trading and manufacturing company;

And find the same truly enrolled.

Mr. Byers also made the following report:

MR. SPEAKER;

The committee on enrolled bills, report that they have compared the enrolled with the engrossed bills of the House, of the following titles to-wit:

No. 176, an act to amend the act entitled an act for the relief of John Rodolph Fischli, approved February 18, 1839;

No. 242, an act for the relief of Edmund Clark, collector of Hendricks county;

No. 247, an act to remove the disability of Anna Maria Gile;

No. 128, an act to incorporate the Euterpean band of South Bend.  
 No. 185, an act declaring Patoka a public highway, and for other purposes;

And find the same truly enrolled.

The following message was received from the Governor, by Mr. Moore his private secretary.

Mr. SPEAKER;

I am directed by the Governor to inform the House of Representatives, that on yesterday he approved and signed,

An act to provide for the selection of grand and petit jurors.

An act for the relief of late collectors for the county of Harrison, and for other puposes;

An act to authorize William Mumford to build a brigde across the Wabash river, in the county of Wabash;

An act to define the boundary line between the counties of Clark and Floyd.

An act to amend an act entitled, and act to authorize Daniel J. Hancock and Isaac Hancock, to build a toll bridge across South Hogen creek, in Dearborn county, approved February 22, 1840;

An act legalizing the acts of William G. Thomas, school commissioner of Spencer county, and for other purposes;

An act to re-appropriate certain moneys therein named;

An act to amend an act entitled an act subjecting real and personal estate to execution, approved February 4, 1831;

An act for the location of a state road in the counties of Harrison and Crawford;

An act for the preservation of sheep;

All of which originated in the House of Representatives.

On motion,

The House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, JAN. 27, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Hannah, a member thereof;

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that they have passed a bill for the relief of Joseph H. Hendricks; and

have instructed me to report the same to the *House of Representatives*, and ask their concurrence.

No. 116, named in the message, was read the first and second times, (the rules being suspended) and committed to the committee on Canals and Internal Improvements.

The following message was received from the Senate by *Mr. Harris*, a member thereof:

MR. SPEAKER:

I have been directed to inform the *House of Representatives*, that the Senate has passed an engrossed bill of the *House*,

No. 150, an act for the relief of the *Miami* and other Indians; with an amendment, in which the concurrence of the *House of Representatives* is respectfully requested.

The amendment to bill No. 150, named in the message, was read and concurred in.

The following message was received from the Senate by *Mr. Maguire*, their secretary:

MR. SPEAKER;

The Senate has passed engrossed bills thereof entitled as follows, viz:

No. 55, an act to modify the system of Internal Improvements;

No. 82, an act to authorize *Enos Blair*, former collector of *Monroe* county, yet to collect any taxes remaining due, and unpaid for the years 1836, 1837 and 1838;

No. 135, an act to carry into effect an act, entitled an act to establish a state road therein named, approved Feb. 10, 1839;

No. 119, a joint resolution on the subject of the state bank of *Indiana*;

In which the concurrence of the *House of Representatives* is respectfully requested.

The Senate has also passed bills of the *House of Representatives* entitled as follows, viz:

No. 173, an act to incorporate the trustees of the *Daviess* county Seminary;

No. 207, an act to incorporate the trustees of the Parsonage of the Methodist Episcopal church, of the *Brookville* circuit;

No. 226, an act to amend an act for the relief of the poor, approved Feb. 17, 1838, so far as relates to *Marion* county;

All without amendment.

No 55, in the message, a bill to modify the system of Internal Improvements;

Was read the first time; when,

*Mr. Bowles* moved that said bill be rejected,

And the ayes and noes being required thereon by *Messrs. Clark* of *D.* and *Durbin*;

*Those who voted in the affirmative were*

Messrs. Ball, Blair, Blankenship, Bowers, Bowles, Brenton, Brown, Butler of Vanderburgh, Byers, Carr, Casey, Chiles, Chrisman, Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Cole, Coleman, Conner, Defrees, Dunbar, Durbin, Foote, Freeman, Graham, Henley, Howe, Jones, Kerr, Lucas, McCoy, McCrillis, McCully, Montgomery of Gibson, Morgan, Peck, Rawlings, Read, Ritchey, Rippey, Robbins, Ross, Rulon, Saylor, Sloan, Smydth of D., and Sweetser of Grant—47.

*Those who voted in the negative were*

Messrs. Atherton, Bradbury, Burton, Butler of Cass, Champer, Coffeen, Conwell, Dowling, Dunn, Elkins, Farrington, Goodenow, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Jenckes, Lancaster, Leslie, Mason, Miller, Montgomery of Warren, Newell of Fountain, Newell of White, North, Rose, Runyan, Russell, Schoonover, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton, Sweetser of Marion, Walpole, Welch, Wilson, Woodard and Mr. Speaker—43.

So said bill was rejected.

Mr. Burton asked leave of absence for Mr. Burgess, in consequence of the indisposition of his family.

Which was granted.

Bill No. 82, in the message

Was read the first and second times, (the rules being suspended) and ordered to be read a third time to-morrow.

Joint resolution No. 119 in the message,

Was read the first time and passed to a second reading on to-morrow.

Bill No. 135 in the message,

Was read the first and second times, (the rules being suspended) and ordered to a third reading on to-morrow.

The Speaker laid before the House a communication from the legislative committee appointed at the last session, concerning the State University,

Which was read, and together with the accompanying documents, laid on the table and 500 copies of the report; and 500 copies of documents Nos. 1 and 3 were ordered to be printed.

The bill accompanying the report,

No. 273—"A bill to provide for the better regulation of the Indiana University,"

Was read the first time and passed to a second reading.

Mr. Shanks made the following report:

MR. SPEAKER—

The committee on engrossed bills have compared the engrossed with the original bills of the House as follows:

No. 78—Providing for the payment of the Bank debt,

No. 217—To dispense with the records in certain cases, and to authorize amendments in pleading,

No. 223—To legalize and give effect to certain official acts of the late Clerk of the Floyd circuit court.

No. 233—To repeal “an act to repeal an act in Dearborn county therein named,” approved Feb, 5, 1839.

No. 236—Amendatory to an act locating a state road.

Also the following joint resolution;

No. 235—On the subject of the sale of State Bonds.

And find the same correctly engrossed,

The House then took up the

#### ORDERS OF THE DAY.

No. 78—“A bill to provide in part for the payment of the Bank debt,”

Was read the third time,

And the question being on its passage,

And the ayes and noes being demanded thereon by Messrs. Bowles and Rippey,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Butler of Cass, Butler of V., Champer, Chiles, Clark of D., Clark of Tip., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Mason, McCrillis, Morgan, Newell of Fountain, Newell of White, North, Peck, Rayburn, Rose, Runyan, Russell, Shawhan, Shortridge, Sloan, Smydth of Daviess, Smith of Fayette, Stanford, Stratton, Sweetser of G., Sweetser of Marion, Wilson, and Mr. Speaker—58,

*Those who voted in the negative were,*

Messrs. Bowles, Brenton, Burton, Byers, Carr, Casey, Clark of Fountain, Dunbar, Graham, Hamer, Henley, Leslie, Lucas, McCoy, Montgomery of G., Montgomery of W., Rawlings, Read, Rippey, Rulon, Schoonover, Shanks, Shoup, and Walpole—24.

So said bill passed.



Ordered that the Senate be informed thereof.

No. 217—"A bill to dispense with records in certain cases and to authorize amendments in pleadings,"

Was read a third time and passed.

No. 233—"A bill to repeal an act to repeal a certain act in Dearborn county therein named, approved Feb. 5, 1839,"

Was read a third time and passed.

No. 223—"A bill to legalize and give effect to certain official acts of the late Clerk of the Floyd circuit court,"

Was read a third time and passed.

No. 235—"A joint resolution on the subject of the sale of State Bonds,"

Was read a third time and passed.

No. 236—"A bill amendatory to an act locating a state road."

Was read a third time and passed.

No. 238—"A bill to incorporate the Knox county Savings Institution,"

Was read the second time and committed to the committee on corporations.

No. 239—"A bill prohibiting the sale of State Bonds for Internal Improvement and other purposes on time,"

Was read the second time and laid on the table.

No. 240—"A bill for the relief John Eldon,"

Was read a second time and ordered to be engrossed for a third reading on to-morrow.

No. 241—"A bill to authorize the citizens of Clay county to drain the round pond."

Was read the second time and committed to the committee on canals and internal improvements.

No. 90 of the Senate—"A bill to amend an act entitled an act relative to crime and punishment," approved Feb. 10, 1831,

Was read the second time, when,

Mr. Jones moved to lay said bill on the table,

Which was not agreed to.

The bill passed to a third reading on to-morrow.

No. 106 of the Senate—"A bill to revive an act authorizing Thomas Goudy to build a dam across Eel river in Wabash county, and repeal an act repealing the same,"

Was read the second time and committed to a select committee consisting of Messrs. Sweetser of G., Rayburn and Rulon.

No. 105 of the Senate—"A bill to extend a certain street in the town of Bloomington and for other purposes,"

Was read the second time and passed to a third reading on to-morrow.

No. 245—"A joint resolution relative to the public arms,"

Was read the second time and committed to the committee on military affairs.

No. 246—"A bill to amend an act to amend the several acts of this State, relative to the taking up of animals going astray and water-crafts and other articles of value adrift, approved February 24th, 1840,"

Was read the second time, and laid on the table.

No. 72 of the Senate,—“A joint resolution in relation to duties on foreign goods,”

Was read the second time and passed to a third reading on to-morrow.

No. 74 of the Senate—"A bill for the relief of Micajah Barkley,"

Was read the second time and passed to a third reading on to-morrow.

No. 73 of the Senate—"A bill to amend an act entitled an act for the encouragement of Agriculture, approved February 7, 1835,"

Was read the second time and passed to a third reading on to-morrow.

No. 110 of the Senate—"A bill to amend an act to regulate the mode of doing county business in the several counties in this state,"

Was read the second time and passed to a third reading on to-morrow.

No. 248—"A bill to authorize the citizens of Montgomery and Putnam counties to open a part of the New-Albany and Crawfordsville Turnpike road therein named,"

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

No. 120 of the Senate—"A bill relative to the counties in the third judicial circuit,"

Was read the second time, when,

Mr. Dunbar moved to amend said bill by inserting in the line next to the last before the word "third" the word "second."

Which was agreed to.

And the bill passed to a third reading on to-morrow.

No. 261—A bill to establish a state road from Mount Pleasant in Martin county, to Rockport in Spencer county.

Was read the second time, when,

Mr. Jones moved to amend said bill in the last line of the first section by striking out the words "via" and "to Rockport" and insert 'to' after the word "via."

Which was agreed to.

And the bill was ordered to be engrossed and read a third time to-morrow.

No. 252—"A bill to classify the public works,"

Was read the second time, when,

Mr. Bowles moved to amend as follows;

"Strike out "ballot" and insert "viva voce,"

Pending which question,

The *House* adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met pursuant to adjournment.

And resumed the consideration of the motion of Mr. Bowles to amend bill No. 253, a bill to classify the public works, pending when the House adjourned at 12 o'clock M.

When,

Mr. Brown made a motion to lay said bill and amendment on the table.

And the ayes and noes being demanded thereon by Messrs. Blankenship and Saylor,

*Those who voted in the affirmative were,*

Messrs. Atherton, Bradberry, Brown, Burton, Byers, Champer, Clark of D., Clark of T., Conwell, Defrees, Dowling, Durbin, Farrington, Hiatt, Houghton, Jenckes, Lucas, Miller, Morgan, Newell of F., Rayburn, Rippey, Robbins, Ross, Runyan, Russell, Schoonover, Shanks, Shortridge, Smydth of Daviess, Smith of Fayette, Stanford, Stratton, Wilson Woodard, and Mr. Speaker—36.

*Those who voted in the negative were*

Messrs. Ball, Blair, Blankenship, Bowers, Bowles, Brenton, Butler of Cass, Butler of Vanderburgh, Carr, Casey, Chrisman, Clark of F., Coffeen, Cole, Coleman, Conner, Dunbar, Foote, Freeman, Goodenow, Graham, Harding, Harrah, Harrison, Henley, Jones, Kerr, Leslie, McCoy, McCrillis, McCully, Montgomery of G., North, Peck, Rawlings, Ritchey, Rose, Rulon, Saylor, Shawhan, Sloan, Sweetser of Grant, Sweetser of Marion, and Walpole—44.

So said bill was not laid on the table.

The question being put on Mr. Bowles' amendment.

And the ayes noes being demanded thereon by Messrs. Bowles and Blair.

*Those who voted in the affirmative were*

Messrs. Atherton, Bowers, Bowles, Brenton, Brown, Burton, Butler of C., Butler of V., Carr, Casey, Champer, Chrisman, Clark of D., Clark of F., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunbar, Farrington, Foote, Freeman, Harrison, Henley, Houghton, Howe, Jones, Kerr, Lucas, McCoy, McCrillis, McCully, Newell of F., Read, Reyburn, Rippey, Robbins, Rose, Ross, Rulon, Russell,

Schoonover, Shanks, Shoup, Smydth of D., Smith of F., Sweetser of M., Walpole, and Mr. Speaker—51.

*Those who voted in the negative were*

Messrs. Ball, Blair, Blankenship, Bradberry, Byers, Clark of Tippenoe, Conner, Goodenow, Graham, Harding, Harrah, Hiatt, Jenckes, Leslie, Miller, Montgomery of G., Morgan, North Peck, Rawlings, Ritchey, Saylor, Shawhan, Shortridge, Sloan, Standford, Stratton, Sweetser of G., Wilson, and Woodard—30.

So said amendment was adopted.

Mr. Champer moved to fill the blank in the bill with the first day of August next as the time to go into the election.

Which was not adopted.

Mr. Graham moved to fill the blank with the first day of February next;

Which was adopted.

Mr. Champer moved to add the following proviso:

Provided that the gentleman from Morgan and the gentleman from Orange shall act as tellers on the part of the House.

Which was adopted.

Mr. Sweetser of M., moved to insert after the balloting, "if necessary."

Which was agreed to.

Mr. Sweetser of M. moved to dispense with the rules, consider the bill as engrossed and read it a third time now;

Which was not adopted.

Mr. Clark of T. made a motion to lay said bill on the table;

Which did not prevail.

Mr. Champer moved that said bill be indefinitely postponed,

Pending which,

On motion of Mr. Clark of T.,

Said bill was laid on the table.

Mr. Clark of T. asked and obtained leave to make the following report:

Mr. SPEAKER;

The select committee to whom was referred a bill to revive and amend an act incorporating congressional townships and providing for public schools therein, approved Feb. 17, 1838, have made sundry amendments thereto, in which I am directed to ask the concurrence of the House.

The amendments, Nos. 1, 2, 3, 4, 5, and 6, made by the committee were severally read and concurred in.

On motion of Mr. Clark of T.,

The bill was amended by striking out the two last lines of the 5th section.

Mr. Peck made a motion to strike out the 5th section of the 15th chapter;

Which motion did not prevail.

On motion of Mr. Leslie,

The bill was further amended by inserting in the third line of the 17th section of the 2d chapter, after the word "interest," the word "annually."

Mr. Freeman moved the previous question;

Which being demanded by a majority of the members present.

The said previous question was put, viz.

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, viz:

Shall the bill be engrossed for a third reading?

And passed in the affirmative.

On motion of Mr. Clark of T.,

The bill was considered as engrossed, read a third time, and passed.

Ordered that the clerk inform the Senate thereof.

Mr. Read asked and obtained leave to introduce the following resolution:

*Resolved*, That the Speaker of the House be requested to sign the account per diem allowance, as well as the travelling allowance of Hon. George Boon, deceased, the per diem allowance to be allowed up to the 27th inst.

Mr. Brown moved to amend by stating, up to the day of his death.

Which was not adopted.

The resolution was then adopted.

Mr. Byers made the following report:

Mr. SPEAKER--

The joint committee on enrolled bills report that they did on this day present to his excellency, the Governor, for his approval and signature the following entitled acts, which originated in the House of Representatives, to wit:

No. 154, an act providing for draining the swamps, ponds, marshes, and other low lands within the county of Spencer.

No. 156, an act entitled an act for the relief of school district No. 3, in township No. 6 (six) south of range, No. 10 west, in Vanderburgh county.

No. 129, an act to incorporate the Bristol manufacturing company.

The following message was received from the Governor by Mr. Moore, his private secretary:

Mr. SPEAKER--

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed:

An act to amend the act entitled an act for the relief of John Rodolph Fischli, approved Feb. 18, 1839.

An act for the relief of Edmund Clark, collector of *Hendricks* county.

An act to remove the disability of Anna *Maria* Gile.

An act declaring Patoka a public highway and for other purposes.

An act to incorporate the Euterpean Band of South Bend.

An act to incorporate the Bristol manufacturing company.

An act providing for draining the swamps, ponds, marshes, and other low lands within the county of Spencer.

An act entitled an act for the relief of School district No. 3, in township No. 6 (six) south of range No. 10 west, in Vanderburgh county.

All of which originated in the House of Representatives.

No. 202, a bill to classify the public works;

Was taken up, when,

Mr. Sweetser of M., moved the following amendment to the bill.

One hundred thousand dollars worth of Rail road Iron, which the fund commissioners have contracted for with the Morris Canal Banking Company, or that said fund commissioner may obtain from our suspended debt, shall be and the same is hereby appropriated to the Madison and Indianapolis Rail road between Vernon and Edinburgh, any law passed at the present session of the General Assembly to the contrary notwithstanding.

Mr. Durbin moved that said bill and amendment be laid on the table;

Which was decided in the negative.

The question then recurred on the amendment of Mr. Sweetser of M.

And the ayes and noes being demanded thereon by Messrs. Woodard and Blankenship;

*Those who voted in the affirmative were*

Messrs. Atherton, Blankenship, Bowers, Bradbury, Brenton, Burton, Butler of C. Chiles, Clark of D. Clark of T. Cole, Coleman, Conwell, Defrees, Durbin, Elkins, Goodenow, Harding, Harrah, Harrison, Henley, Hiatt, Howe, Jenckes, Lancaster, Lucas, Mason, M'Cully, M'Coy, Montgomery of G. Montgomery of W. Newell of F. Newell of W. North, Rawlings, Rippey, Robbins, Runyan, Saylor, Shanks, Shawhan, Shortridge, Stanford, Stratton, Sweetser of G. Sweetser of M. Wilson and Woodard—50.

*Those who voted in the negative were*

Messrs. Ball, Blair, Bowles, Brown, Butler of V. Carr, Casey, Chamber, Coffeen, Conner, Dunn; Dunbar, Farrington, Foote, Freeman, Graham, Houghton, Jones, Kerr, Leslie, M'Crillis, Morgan, Peck,

Read, Rayburn, Rose, Ross, Russell, Schoonover, Sloan, Smydth of D. Smith of F. Walpole, and Mr. Speaker—34.

So said amendment was adopted.

Mr. Champer moved to strike out the bill from the enacting clause, and insert the following:

Sec. 1st. Be it enacted by the General Assembly of the State of Indiana: That the public works shall be classified and divided into three classes as follows, to-wit: All that part of the Central canal lying between Indianapolis and Evansville, and the Cross Cut canal from the town of Terre Haute in Vigo county, to its junction with the said southern end of the Central canal should constitute the first class.

Sec. 2d. The White-water canal from Brookville to the National Road, the Madison and Indianapolis Rail road from Vernon to Edinburgh, and the New Albany and Vincennes Turnpike road from Paoli to Vincennes, except the metting and bridges over the two branches of White river, shall form and constitute the second class.

Sec. 3d. All the balance of the works included in the bill of 1836, adopting a general sysem of Internal Improvements, shall form and constitute the third class.

Sec. 4th. Those works embraced in the second class, shall not be further prosecuted until the works embraced in the first class shall be completed, and those works embraced in the third class shall not be further prosecuted until those embraced in the second class are completed. And it is hereby provided, that so soon as the state of Illinois shall be ready to expend any sum of money on the improvement of the rapids of the Wabash river, the state of Indiana shall expend an equal amount of money thereon, until the compact between the said states is carried fully into effect.

Sec. 5th. It shall be the duty of the Board of Internal Improvements, to apply any moneys which shall come into their hands to be expended upon the public works to be prosecuted, of the works specified in the first class in such proportions to each of said works as they may think will most conduce to the public interest until they shall be completed, after which they shall proceed in like manner with the works in the second and third classes.

Sec. 6th. The fund commissioners shall pay over to the board of Internal Improvements, to be applied to the prosecution of the works embraced in the first class, any moneys which may be received by them in payment of debts due the state for bonds heretofore sold, and all such moneys when so collected shall be applied to the further prosecution of the said works: Provided the fund commissioners shall not be authorized to sell on account of any of the public works, other, or further state bonds, until so directed by Legislative authority.

Sec. 7th. This act to be in force and take effect from and after its passage.

Mr. Rayburn moved to add at the end of the third section, "the canal from Peru, to the head of Salt river;"

And before any decision was had thereon,  
 On motion,  
 The House adjourned until to-morrow morning 9 o'clock.

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THURSDAY, JAN. 23, 1841.

The House met pursuant to adjournment.

On motion of Mr. Stanford,  
 A call of the House was ordered;  
 And the roll being called, the following named members were absent, viz:  
 Messrs. Conner, Dunn, Elkins, Mason, Read, Stratton, Sweetser of G. Welch and Woodard.  
 A quorum having appeared, further proceedings in the call were dispensed with.

PETITIONS WERE PRESENTED.

By Mr. Walpole, of Wm. Darbin and 73 others, citizens of Johnson, Shelby and Batholomew counties, praying for a new county out of said counties;  
 Which were laid on the table.  
 By Mr. Shawhan, of Nathaniel Head;  
 Which was referred to the committee on claims.  
 By Mr. Dowling, of Samuel Milligan and others, concerning the corporation of the town of Terre Haute;  
 Which was referred to the committee on coporations.  
 By Mr. Atherton, the memorial of Henry Dunham and others, asking for the laying off a state road;  
 Which was referred to a select committee of Messrs. Atherton, Ball and Rippey.  
 By Mr. Farrington, of Eli Davis, a contractor on the public works;  
 Which was referred to the committee on Canals and Internal Improvements.  
 By Mr. Burton, of N. G. Cromwell and others, on the subject of empanneling juries in Clay county;  
 Which was referred to a select committee of Messrs. Burton, Rulon, Cole and Smydth of D.  
 By Mr. Byers, of Johnson M'Cullough and others, praying a repeal of the 103d and 104th sections of the act regulating the jurisdiction



and duties of justices of the peace, approved February 17th, 1838, so far as it relates to Monroe county;

Which was referred to a select committee of Messrs. Byers, Carr and Butler of C.

By Mr. Coleman, of Wm. J. Burns, on the subject of the acts of the present Legislature;

Which was referred to the judiciary committee, to inquire into the expediency of granting the petitioners request.

By Mr. Burton, remonstrance of the citizens of Clay county, against extending the time to holders of the surplus revenue;

Which was referred to a select committee, of Mr. Stanford and others, to whom the subject had been referred.

Mr. Jenckes chairman of the committee of ways and means, made the following report:

Mr. SPEAKER;

The committee on ways and means to whom was referred bill No. 160, have had the same under consideration, and instructed me to report it back with the following amendments, and recommend its passage.

Sec. 19th. Line 3d between "and the" insert the following, the county Auditor, Appraiser and the county Commissioners when acting as

Add to the end of the bill, "This act to be in force from and after its passage."

The amendments made by the committee were concurred in, and the bill read a third time;

And the question being, shall said bill pass,

And the ayes and noes being demanded thereon by Messrs. Henley and Chiles;

*Those who voted in the affirmative were,*

- Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Brown, Butler of C., Butler of V., Champer, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Graham, Hamar, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Kerr, Kile, Lancaster, Lucas, Mason, M'Coy, M'Crillis, Miller, Montgomery of G., Morgan, Newell of W., North, Peck, Rayburn, Rippey, Robbins, Rose, Ross, Runyan, Russell, Saylor, Schoonover, Shawhan, Shortridge, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Wilson, Woodard, and Mr. Speaker—65.

*Those who voted in the negative were,*

Messrs. Blankenship, Bowles, Brenton, Burton, Byers, Carr, Casey, Chiles, Chrisman, Dunbar, Goodenow, Henley, Jones, Leslie, M'Culley, Montgomery of W., Newell of F., Rawlings, Read, Ritchey, Rulon, Shanks, Shoup, Sloan, and Walpole—25.

So said bill passed.

Mr. Jenckes made the following report:

MR. SPEAKER:

The committee on Ways and Means to whom was referred bill No. 161, have had the same under consideration and instructed me to report the same back to the House with the following amendments, and recommend its passage.

Strike out the first section and insert the following:

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That there shall be elected by the qualified electors of each organized county in this State, on the first Monday in August next, one county Auditor for each county, who shall hold his office until the first Monday of March, 1843, and on the first Monday in August, 1842, and biennially thereafter, there shall, in the same manner, be elected one county Auditor for each county, who shall hold his office for two years from the first Monday of March next succeeding his election, and until his successor is elected and qualified, and shall keep his office at the seat of justice for his county.

Add the following proviso to the 4th section:

*Provided,* The first Auditor elected under the provisions of this act, shall give bond as aforesaid, on or before the first Monday of September after his election.

Sec. 21, strike out 2nd and third lines, and insert:

"State, county, and road tax in separate columns, and shall carry the same, together with the amount of poll tax assessed for State and county purposes, out into a."

The amendments made by the committee to bill No. 161, were read and concurred in.

Said bill was then read a third time and passed.

Mr. Jenckes made the following report:

MR. SPEAKER -

The committee on Ways and Means to whom was referred bill No. 162, have had the same under consideration and instructed me to report it back with the following amendment and recommend its passage.

Sec. 12th, line 2nd, strike out the assessment for 1841 shall be made as heretofore.

Said amendment of the committee to bill No. 162, was read and concurred in.

The bill read the third time, and the question being, Shall said bill pass?

And the ayes and noes being demanded thereon by Messrs. Jones and Walpole,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Brown, Butler of C., Butler of V., Champer, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Kerr, Kile, Lancaster, Lucas, Mason, M'Crillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Peck, Rayburn, Rippey, Robbins, Rose, Ross, Runyan, Russell, Saylor, Schoonover, Shawhan, Shortridge, Shoup, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Wilson, Woodard, and Mr. Speaker—70.

*Those who voted in the negative were,*

Messrs. Blankenship, Bowles, Brenton, Burton, Byers, Carr, Casey, Chiles, Dunbar, Henley, Jones, Leslie, M'Coy, M'Cully, Newell of F., Rawlings, Read, Rulon, Shanks, Sloan, and Walpole—21.

So said bill passed.

Mr. Jenckes also made the following report:

MR. SPEAKER:

The committee on Ways and Means to whom was referred bill No. 163, have had the same under consideration and directed me to report it back without amendment, and recommend its passage.

Said bill was then read the third time, and the question being, Shall said bill pass?

And the ayes and noes being demanded thereon by Messrs. Chiles and Walpole,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Brown, Butler of C., Butler of V., Champer, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Kerr, Kile, Lancaster, Mason, M'Crillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Peck, Rayburn, Rippey, Robbins, Rose, Ross, Runyan, Russell, Saylor, Schoonover,

Shawhan, Shortridge, Shoup, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Walpole, Wilson, Woodard, and Mr. Speaker—68.

*Those who voted in the negative were,*

Messrs. Blankenship, Bowles, Brenton, Burton, Byers, Carr, Casey, Chiles, Dunbar, Henley, Jones, Leslie, M'Coy, M'Cully, Newell of F., Rawlings, Read, Rulon, Shanks, and Sloan—20.

So said bill passed.

Mr. Jenckes also reported the following:

MR. SPEAKER:

The committee of Ways and Means to whom was referred bill No. 164, of the House of Representatives, have had the same under their consideration and have made the following amendments thereto, to wit:

1. Sec. 26, 2nd line, strike out 'the laws now in force,' and insert 'under the provisions of this act.'

2. Sec. 27, at the end of the first line strike out 'year.'

Which they have directed me to report to the House and ask its concurrence therein.

The amendments to said bill No. 164, were then read and concurred in.

When Mr. Jones moved to re-commit the bill and amendments to a select committee with the following instructions:

Sec. 12, page 35th, line 18th, strike out of the proviso 'may' and 'any,' and insert 'shall' and 'every' in their place.

And the ayes and noes being demanded thereon by Messrs. Jones and Walpole,

*Those who voted in the affirmative were,*

Messrs. Bowles, Butler of C., Champer, Chiles, Clark of T., Coleman, Dowling, Farrington, Freeman, Graham, Houghton, Jenckes, Jones, Kile, M'Coy, Montgomery of W., Morgan, Peck, Russell, Shortridge, Sloan, Smydth of D., and Walpole—24.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burton, Butler of V., Byers, Carr, Casey, Chrisman, Clark of D., Clark of F., Coffeen, Cole, Conwell, Defrees, Dunn, Dunbar, Durbin, Elkins, Foote, Goodenow, Hamar, Harding, Harrah, Harrison, Henley, Hiatt, Howe, Kerr, Lancaster, Leslie, Mason, M'Crillis, M'Culley, Miller, Montgomery of G., Newell of F., Newell of W., North, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rose,

Ross, Rulon, Runyan, Saylor, Schoonover, Shanks, Shawhan, Shoup, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Wilson, Woodard, and Mr. Speaker—67.

So said bill was not re-committed.

Mr. Jones moved to re-commit to a select committee with the following instructions:

Strike out 2nd proviso of the 4th paragraph of the 12th section.

Which motion did not prevail.

The question then recurred on the passage of the bill;

And the ayes and noes being demanded thereon by Messrs. Chiles and Walpole,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Brenton, Brown, Butler of C., Butler of V., Champer, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conwell, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Kerr, Kile, Lancaster, Lucas, Mason, M'Crillis, Miller, Montgomery of G., Morgan, Newell of W., North, Peck, Robbins, Rose, Ross, Russell, Saylor, Shawhan, Shortridge, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of M., Wilson, Woodard, and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Blankenship, Bowles, Burton, Byers, Carr, Casey, Chiles, Chrisman, Dunbar, Henley, Jones, Leslie, M'Cully, Montgomery of W., Newell of F., Rawlings, Read, Rayburn, Ritchey, Rippey, Rulon, Schoonover, Shanks, Shoup, Sloan, Sweetser of G., and Walpole—28.

So said bill passed.

Ordered that the Clerk inform the Senate of the passage of said bills No. 160, 161, 162, 163 and 164.

Mr. Brenton made the following report,

MR. SPEAKER—

The committee on the judiciary to whom was referred a bill of the Senate No 78, entitled, a bill to amend the act authorizing the seizure of boats and other vessels for debt, approved Feb. 17, 1838, have had the same under consideration and have instructed me to report the same back to the House without amendment and recommend its passage.

Said bill therein named was read the third time and passed.

Ordered that the Senate be informed thereof.

Mr. Clark of T. made the following report:

MR. SPEAKER—

The committee on education to whom was referred the petition of Philalethean Society, praying an act of incorporation, have considered the same and directed me to report a bill in pursuance of the prayer of the petitioners, entitled,

No. 274—A bill to incorporate the Philalethean Society in Jefferson county,

Said bill was read a first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER—

The Senate has adopted the following resolution:

*Resolved*, That the Senate will, the House of Representatives concurring therein, proceed at 2 o'clock on to-morrow the 29th instant, to elect a prosecuting attorney for the fifth judicial circuit, to fill the vacancy occasioned by the resignation of the Hon. W. J. Peaslee.

Which I have been directed to bring to the House of Representatives and request their concurrence therein.

Mr. Champer moved to concur with an amendment: By striking out "to-morrow" and inserting "to-day,"

Which was not agreed to.

The House then reciprocated the resolution of the Senate, and Messrs. Henley and Champer were appointed tellers on the part of the House.

Ordered that the Senate be informed thereof.

Mr. Sweetser of G. made the following report:

MR. SPEAKER:

The committee on claims to whom was referred the petition of Andrew Wilson, have had the same under consideration, and directed me to report the following bill,

No. 275—For the relief of Andrew Wilson.

Was read the first time and passed to a second reading on to-morrow.

Mr. Sweetser of G. also made the following report:

MR. SPEAKER—

The committee on claims to whom was referred the papers and accounts, relative to storage and transportation of public arms, paid by J. A. McPheeters of Washington county, have had the same under consideration, and directed me to report the following resolution:

*Resolved*, That the committee of ways and means be instructed to allow James A. McPheeters in the specific appropriation bill, the sum of twenty-five dollars and thirty-five cents, for storage and transportation of public arms.

Said resolution was read and concurred in.

*Mr. Morgan* made the following report:

MR. SPEAKER—

The committee on roads to which was referred No. 231, entitled, a bill providing for the opening and repairing public roads and highways in the county of Monroe, have had the same under consideration and instructed me to report it back without amendment and recommend its passage.

Said bill was ordered to be engrossed and read a third time to-morrow.

*Mr. Dowling* made the following report,

MR. SPEAKER—

The committee on canals and internal improvements to whom was referred bill of the House, No. 268, entitled, "A bill for the relief of Alexander Beard," have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

Said bill was then ordered to be engrossed and read a third time to-morrow.

*Mr. Smith of F.*, from the committee on canals and internal improvements, made the following report:

*Mr. SPEAKER,*

The committee on canals and internal improvements to whom was referred a bill of the Senate No. 116, for the relief of Joseph H. Hendricks, have directed me to report the bill back to the House, with one amendment, to-wit: Strike it out from the enacting clause and insert the following:

*Mr. Sweetser of m.* moved to concur in the amendment of the committee with the following amendment.

"Strike out all after the words state bonds in the 15th line."

Before any decision was had thereon,

On motion of *Mr. Sweetser of m.*,

Said bill, report and amendments were laid on the table.

*Mr. Smith of F.*, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER—

The committee on canals and internal improvements to whom was referred bill of the Senate, No. 63, in relation to tolls upon the public works in Indiana, have directed me to report the same to the House without amendment and recommend its passage.

Said bill No. 63, was read the third time and passed.

Ordered that the Senate be informed thereof.

Mr. Mason made the following report,

MR. SPEAKER—

The select committee to whom was referred bill No. 120 of the house, have had the same under their consideration, and have directed me to report the same back to the house with the amendments directed by the house.

And the question being,

Will the House concur in the amendments made by the committee?

The House refused to concur in the amendments made by the committee,

The question then recurred on the passage of said bill.

And the ayes and noes being demanded thereon by Messrs. Bowles and Rippey,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Brenton, Brown, Butler of Cass, Butler of Vanderburgh, Champer, Clark of Dearborn, Clark of Fountain, Clark of Tip., Coffeen, Ccle, Conner, Conwell, Defrees, Dowling, Dunn, Dunbar, Eikins, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Harding, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Mason, McCrillis, Montgomery of G., Montgomery of Warren, Morgan, Newell of White, North, Peck, Rawlings, Robbins, Rose, Ross, Runyan, Russell, Shanks, Shawhan, Shortridge, Shoup, Sloan, Smydth of Daviess, Smith of Fayette, Stanford, Stratton, Sweetser of Grant, Sweetser of M., Welch, Wilson, Woodard and Mr. Speaker—67.

*Those who voted in the negative were*

Messrs. Blankenship, Bowles, Burton, Byers, Carr, Casey, Chiles, Chrisman, Durbin, Hamer, Henley, Leslie, McCoy, McCully, Miller, Newell of Fountain, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, and Walpole—24.

So said bill passed.



Ordered that the Senate be informed thereof.

Mr. Shoup made the following report,

MR. SPEAKER—

The committee on corporations to which was referred bill of the house No. 264, have had the same under consideration, and have directed me to report the same back with the following amendment, and recommend its passage, to-wit:

: Amend the bill by striking out the 22d section.

The amendment of the committee was concurred in, and said bill ordered to be engrossed and read a third time to-morrow.

Mr. Shortridge made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred bill No. 133 of the Senate, entitled, an act to allow further time to the Lawrenceburgh and Indianapolis Rail Road company to settle up and close their affairs, approved Feb. 18, 1840, have had the same under consideration and have directed me to report the same back to the House, without amendment, and recommend its passage.

Said bill was then passed to a third reading on to-morrow.

Mr. Elkins, from the committee on corporations, made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the petition of J. Thompson, and nine hundred others, citizens of the counties of Johnson, Shelby and Bartholomew, praying for the formation of a new county out of said counties, have according to order had the same under consideration, and instruct me to report the accompanying bill, to-wit:

No. 276—A bill for the organization of Macomb county,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Stanford made the following report,

MR. SPEAKER—

The select committee to whom was referred a bill No. 168 of the House of Representatives on the subject of the surplus revenue, have had the same under consideration, and have made the following amendments thereto, to-wit:

1st. Strike out the 2d, 3d and 4th sections—and in lieu of the 2d section, insert:

All borrowers of the surplus revenue fund, who may desire to renew any loan of said fund, coming due in the years 1841 and 1842, may be permitted to do so by paying one-third of the amount due, and the balance in two equal annual instalments, with the usual interest charged upon such loans, paid annually in advance. Provided that said borrowers shall execute to the loaning agent a bond and mortgage for the same, upon unincumbered real estate, worth at least twice the amount of the money loaned, exclusive of any buildings thereon; or such borrowers shall execute to said agents a bond with one or more freehold securities, whose real estate shall be unincumbered, and worth twice the amount of the money loaned, exclusive of any buildings thereon; and said bond shall have the effect of a lien upon the same from the date thereof, and shall have preference to all others.

And insert the 5th section in lieu of the 3d.

Which the committee have instructed me to report to the House and ask its concurrence therein.

Mr. Graham moved to concur in the 1st amendment of the committee, with an amendment; which was to strike out the last proviso.

And before any decision was had thereon,

The House adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

The House met pursuant to adjournment.

The House resumed the consideration of the amendment of Mr. Graham to the amendment of the select committee to whom bill No. 168 had been referred,

Which amendment was not adopted.

The House then concurred in the report of the committee.

Mr. Walpole moved to recommit the bill to a select committee with instructions to strike out the bill from the enacting clause and insert the following:

That the following persons be and they are hereby appointed agents for loaning and managing the surplus revenue for one year, and until their successors are appointed and qualified, from the first Monday of March, 1841, to which period the present agents are authorized to act as such:

Allen county—  
 Adams—  
 Bartholomew—  
 Boon—

Brown—  
 Clark—  
 Clay—  
 Crawford—  
 Carroll—Wm. Crooks.  
 Cass—Richard Prior.  
 Clinton—John H. Dunn.  
 Dearborn—John M. Pike.  
 Decatur—Austrim R. Forsythe.  
 Daviess—Wm. L. McCutcheon.  
 Dubois—Daniel Harris.  
 Delaware—  
 Elkhart—  
 Fayette—Samuel Mullikan.  
 Floyd—Robert Downey.  
 Franklin—John Winn.  
 Fountain—George Shokey.  
 Fulton—  
 Gibson—  
 Greene—John Jones, jr.  
 Grant—  
 Hamilton—  
 Harrison—Arthur Vance.  
 Hendricks—W. L. Matlock.  
 Henry—Martin L. Bundy.  
 Hancock—Andrew T. Hart.  
 Huntington—  
 Jackson—  
 Jefferson—Wm. Hendricks, jr.  
 Jennings—  
 Johnson—  
 Jay—  
 Knox—Charles Polke.  
 Kosciusko—  
 Lawrence—  
 Lagrange—  
 Laporte—  
 Madison—  
 Marion—  
 Martin—Sanford Brown.  
 Monroe—  
 Montgomery—Wm. S. Galy.  
 Morgan—  
 Miami—  
 Marshall—  
 Noble—  
 Orange—A. Morris.  
 Owen—Finley B. Johnson.

Parke—John P. Sunderlin.  
 Perry—  
 Pike—George Chambers.  
 Posey—  
 Putnam—Isaac Mahan.  
 Porter—  
 Randolph—  
 Ripley—D. P. Shook.  
 Rush—  
 Scott—J. V. White.  
 Shelby—Royal Mayhew.  
 Spencer—W. B. Pearce.  
 Sullivan—  
 Switzerland—  
 St. Joseph—  
 Steuben—  
 Tippecanoe—William M. Jenners.  
 Union—N. Rowley.  
 Vanderburgh—  
 Vermillion—  
 Vigo—William McFadden.  
 Warrick—William Smith.  
 Washington—Elijah Newland.  
 Wayne—J. R. Lamson.  
 Warren—  
 White—  
 Wabash—  
 Lake—  
 De Kalb—  
 Blackfork—  
 Wells—  
 Whitley—

Sec. 2. That the said agents are hereby authorized to re-loan to any borrower or borrowers said fund, upon the same consideration and restrictions as to other persons. No borrower shall be security for any other borrower of said fund.

This act to be in force from and after its passage.

And also, provide some suitable punishments upon those agents who may be guilty of negligence or corruption in loaning said funds.

Mr. Conner moved to amend the instructions as follows:

To provide for distributing said fund among all whose list of taxable property in 1840 did not amount to \$200 00.

And the ayes and noes being demanded on the amendment to the instructions by Messrs. Walpole and Champer.

*Those who voted in the affirmative were,*

Messrs. Houghton, Howe, Jones, McCoy, McCulley, and Mr. Speaker—6.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradberry, Brenton, Brown, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Dunbar, Elkins, Farrington, Foote, Freeman, Goodenow, Graham, Hamer, Harrah, Harrison, Hiatt, Jenckes, Kerr, Kile, Lancaster, Leslie, Lucas, Mason, McCrillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Rawlings, Read, Reyburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Smith of F., Stanford, Sweetser of G., Sweetser of M., Walpole, Welch, and Woodard—81.

So said amendment was not adopted.

The question then being on committing with instructions as proposed by Mr. Walpole.

And the yeas and noes being demanded thereon by Messrs. Champer and Walpole.

*Those who voted in the affirmative were,*

Messrs. Atherton, Bowers, Brenton, Butler of V., Byers, Carr, Champer, Chrisman, Defrees, Dowling, Dunbar, Elkins, Freeman, Henley, Houghton, Howe, Jones, Kerr, Leslie, Lucas, McCrillis, McCully, Miller, Newell of W., Rawlings, Read, Ritchey, Robbins, Rose, Rulon, Schoonover, Shoup, Smydth of D., Sweetser of G., Sweetser of M., Walpole, and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Ball, Blair, Blankenship, Bowles, Bradbury, Brown, Burton, Butler of C., Casey, Chiles, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Dunn, Durbin, Farrington, Foote, Graham, Goodenow, Hamer, Harding, Harrah, Harrison, Hiatt, Jenckes, Kile, Lancaster, Mason, McCoy, Montgomery of G., Montgomery of W., Morgan, Newell of F., North, Peck, Rayburn, Rippey, Ross, Runyan, Russell, Saylor, Shanks, Shawhan, Shortridge, Sloan, Smith of F., Standford, Stratton, Wilson, and Woodard—55.

So said bill was not recommitted.

Mr. Durbin moved to concur in the amendment of the committee with an amendment, by striking out two provisoes in the amendment made by the committee.

And the ayes and noes being demanded thereon by *Messrs. Durbin and Walpole.*

*Those who voted in the affirmative were,*

*Messrs. Blankenship, Bowles, Brenton, Burton, Byers, Carr, Casey, Champer, Chrisman, Clark of F., Defrees, Dunbar, Durbin, Hamer, Henley, Houghton, Howe, Jones Kerr, Leslie, Lucas, McCoy, McCrillis, McCully, Rawlings, Read, Ritchey, Rose, Rulon, Runyan, Shoup, Smyth of D., Sweetser of G., Walpole, and Mr. Speaker—35.*

*Those who voted in the negative were,*

*Messrs. Atherton, Ball, Blair, Bowers, Bradberry, Brown, Butler of C., Butler of V., Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Dowling, Dunn, Farrington, Foote, Goodenow, Harding, Harrah, Harrison, Jenckes, Kile, Lancaster, Mason, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Rayburn, Rippey, Robbins, Ross, Russell, Saylor, Shanks, Shawhan, Shortridge, Sloan, Smith of F., Standford, Stratton, Sweetser of M., Welch, Wilson, and Woodard—53.*

So said amendment was not adopted.

Mr. Burton moved to concur with the following amendment.

Provided that nothing in this act shall be so construed as to prevent the Agent of Clay county from collecting and distributing so much of said fund as belongs to said county amongst the several townships therein agreeable to the provisions of the 9th section of an act to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the state of Indiana is entitled to.

Which was not adopted.

The report of the committee was then concurred in.

Mr. Champer moved to recommit the bill with the following instructions:

Strike out one third where it occurs, and insert, one fourth in the stead, and strike out that part of the bill which relates to security, and insert, that no loan hereafter shall be made, nor shall any hereafter made be continued, except such borrower shall give good and sufficient security, to the satisfaction of the agent.

And if any agent shall hereafter loan to any person, any of the fund aforesaid, and shall take any person as security for the same who is a borrowing of fund, and the same shall afterwards prove worthless, he shall be liable on his bond for the amount, or shall take any person as such security, who was not worth the amount at the time he shall be liable on his bond as aforesaid.

Mr. Smith of F. called for a division of the question,

And the question being on re-committing,

The ayes and noes being demanded thereon by *Messrs. Champer and Walpole;*

*Those who voted in the affirmative were*

Messrs. Atherton, Blankenship, Bowers, Brenton, Byers, Carr, Champer, Chrisman, Clark of D. Dowling, Dunbar, Henley, Houghton, Jones, Kerr, M'Cully, Montgomery of W. Rawlings, Ritchey, Robbins, Rose, Rulon, Shanks, Shoup, Smydth of D. Sweetser of G. Walpole and Mr. Speaker—28.

*Those who voted in the negative were,*

Messrs. Ball, Blair, Bowles, Bradbury, Brown, Burton, Butler of C. Butler of V. Casey, Chiles, Clark of F. Clark of T. Coffeen, Cole, Coleman, Conner Conwell, Dunn, Durbin, Farrington, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Howe, Jenckes, Kile, Lancaster, Leslie, Lucas, Mason, M'Coy, Miller, Montgomery of G. Morgan, Newell of F. Newell of W. North, Peck, Read, Rayburn, Rippey, Ross, Runyan, Russell, Saylor, Shawhan, Shortridge, Sloan, Smith of F. Stanford, Stratton, Sweetser of M. Welch, Wilson and Woodard—59.

So said bill was not recommitted.

The question then being on the passage of the bill,

And the ayes and noes being demanded thereon by Messrs. Champer and Walpole;

*Those who voted in the affirmative were,*

Messrs. Atherton, Blair, Bowles, Bradbury, Butler of C. Butler of V. Chrisman, Clark of T. Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Durbin, Farrington, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Howe, Jenckes, Jones, Kile, Lancaster, Mason, Miller, Montgomery of G. Montgomery of W. Morgan, Newell of W. North, Peck, Rayburn, Rippey, Ross, Runyan, Russell, Saylor, Shawhan, Shortridge, Shoup, Sloan, Smith of F. Stanford, Stratton, Sweetser of M. Welch, Wilson and Woodard—54.

*Those who voted in the negative were,*

Messrs. Ball, Blankenship, Bowers, Brenton, Brown, Burton, Byers Carr, Casey, Champer, Chiles, Clark of D. Clark of F. Dowling, Dunbar, Freeman, Henley, Houghton, Kerr, Leslie, Lucas, M'Coy, M'Cully, Newell of F. Rawlings, Read, Ritchey, Robbins, Rose, Rulon, Shanks, Sweetser of G. Walpole and Mr. Speaker—35.

So said bill passed.

Ordered that the Senate be informed thereof.

Mr. Clark of T. made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of certain citizens of Tippecanoe county, praying that a state road therein mentioned be vacated, have considered the subject, and have directed me to report a bill,

No. 277, a bill to vacate a certain state road in Tippecanoe county,

Was read the first time, and passed to a second reading on to-morrow.

Mr. Chiles made the following report:

MR. SPEAKER;

The select committee to whom was referred the petition of sundry citizens of Miami county, relating to a certain lot in the town of Gilead in said county, have had the same under consideration, and have directed me to report the accompanying bill:

No. 278, a bill for the benefit of Adam E. Rhodes,

Was read the first time, and passed to a second reading on to-morrow.

Mr. Stratton made the following report:

MR. SPEAKER;

The select committee to which was referred an engrossed bill of the Senate, No. 77, entitled an act for the creation of a school district therein named: also the petition and remonstrance accompanying the same, have had the matters and things therein contained under consideration, and have come to the conclusion that by the formation of said district, it would disorganize all the districts from which it is taken, when at the same time too, there is more than two to one of the citizens composing said districts, remonstrating against the passage of such a bill as your committee is informed, they therefore recommend that the further consideration of said bill be indefinitely postponed.

The report of the committee was concurred in, and the bill was indefinitely postponed.

Mr. Sweetser of G. made the following report;

MR. SPEAKER;

The select committee to whom was referred the petition of Saml. Butterbaugh, and other citizens of Wabash county, asking the passage of an act, legalizing the erection of a mill dam therein named, have had the same under consideration, and directed me to report the following bill:



No. 279, a bill to authorize the erection of a mill dam across Eel river in Wabash county;

Was read the first time, and passed to a second reading on to-morrow.

Mr. Burton made the following report:

MR. SPEAKER:

The select committee to whom was referred a joint resolution No. 232, of the House, in relation to the condition of state bonds passed from the agent of the state without payment, have had that subject under consideration, and directed me to report the joint resolution back to the House without amendment, and recommend its passage.

Joint resolution No. 232, named in the report, was recommitted to the committee on the state bank.

#### BILLS INTRODUCED.

By Mr. Graham, No. 280, a bill attaching Sprinklesburgh and Mount Prospect, to the town of Newburgh in Warrick county, and for other purposes;

Which was read the first time, and passed to a second reading on to-morrow.

By Mr. Sweetser of M. No. 281, a bill to incorporate the Indianapolis Band of Musicians;

Which was read the first and second times, (the rules being suspended) and committed to the committee on corporations.

By Mr. McCully, No. 282, a bill providing for the location of a state road, and for other purposes;

Which was read the first time, and passed to a second reading on to-morrow.

MR. SPEAKER:

The committee on engrossed bills have compared the engrossed with the original bills of the House, of the following titles;

No. 240, for the relief of John Eldon;

No. 241, to authorize the citizens of Montgomery and Putnam counties to open a part of the New Albany and Crawfordsville Turnpike road therein named;

No. 261, to establish a state road from Mount Pleasant in Martin county, to Rockport in Spencer county;

And find the same correctly engrossed.

By Mr. Smydth of D.,

No. 283, a bill to declare certain names in the act locating the state road from Washington to Portersville a misprint;

Which was read the first time and passed to a second reading on to-morrow.

The House then took up the orders of the day.

No. 240, a bill for the relief of John Eldon;

Was read the third time and passed.

No. 248, a bill to authorize the citizens of Montgomery and Putnam counties to open a part of the New Albany and Crawfordsville turnpike road therein named;

Was read the third time and passed.

No. 261, a bill to establish a state road from Mount Pleasant in Martin county, to Rockport in Spencer county;

Was read the third time and committed to the committee on roads.

No. 72, (of the Senate) a joint resolution in relation to duties on foreign goods;

Was read the third time and passed.

No. 73, (of the Senate) a bill to amend an act entitled an act for the encouragement of agriculture, approved Feb. 7, 1835;

Was read the third time and passed.

No. 94, (of the Senate) a bill for the relief of Micajah Barkley;

Was read the third time and passed.

No. 90, (of the Senate) a bill to amend an act entitled an act relative to crime and punishment, approved Feb. 10, 1831;

Was read the third time and committed to the committee on the judiciary.

No. 105, (of the Senate) a bill to extend a certain street in the town of Bloomington and for other purposes;

Was read the third time and passed.

No. 110, (of the Senate) a bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state; was read a third time and passed.

No. 120, (of the Senate) a bill relative to the counties in the third judicial circuit; was read a third time and laid on the table.

No. 135, (of the Senate) a bill to carry into effect an act entitled an act to establish a state road therein named;

Was read the third time and passed.

No. 269, a bill relative to the organization of the Shelbyville independent rifle company;

Was read a second time and committed to the committee on military affairs:

Mr. Champer asked and obtained leave to introduce the following resolution:

*Resolved*, That the heirs of Hugh Barnes, deceased, late sergeant-at-arms of this House, be allowed for 35 days services as such officer, at the rate of three dollars per day.

Which was adopted.

Mr. Smith of D. asked and obtained leave to introduce the following resolution:

*Resolved*, That John Flint be directed to act as sergeant-at-arms to this House till the end of the present session of the legislature.

Which was adopted.

No. 58, (of the Senate) a bill to authorize John Brown to invest certain money in bank stock for the use of heirs;"

Was read the second time and passed to a third reading on to-morrow.

No. 91. (of the Senate) a bill to incorporate the Orleans band of musicians;

Was read the second time and passed to a third reading on to-morrow.

No. 132, (of the Senate) a bill to incorporate the Putnam band of music;

Was read the second time and passed to a third reading on to-morrow.

No. 259, a bill to secure the safety of the public funds by requiring bonds of certain officers;

Was read a second time, when

Mr. Mason moved to amend said bill by striking out "2000" and inserting "500;"

Which was adopted, and the bill was engrossed for a third reading on to-morrow.

No. 260, a bill to change a state road in Putnam county;

Was read the second time and committed to the committee on roads.

No. 262, a bill to relocate the Bloomington and Rockport state road in Martin county;

Was read the second and third times, (the rules being suspended) and passed.

No. 263, a joint resolution relative to the Wabash and Erie canal;

Was read the second time and committed to the committee on canals and internal improvements:

No. 265, a bill to change the times of holding probate courts in Daviess county;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

No. 266, a bill to amend an act to organize probate courts and defining the powers and duties of executors, administrators, and guardians, approved Feb. 17, 1838;

Was read the second time, when

Mr. Sweetser moved to amend said bill by striking out "two" and inserting "three" dollars;

Which was adopted.

Mr. Henley moved to recommit the bill with instructions to amend by reducing the pay of probate judges, associate judges, county commissioners, and grand and petit jurors;

Pending which,

On motion of Mr. Smith of F.,

Said bill and amendments were laid on the table.

No. 271, a bill extending the boundaries of Martin county;

Was read the second time, and

On motion of Mr. Houghton,

Was amended by striking out section one and inserting section two.

Mr. Smydth of D., moved to recommit said bill to a select committee;

Which motion did not prevail.

Mr. Smydth of D., moved that the bill and amendment be laid on the table.

And the ayes noes being demanded thereon by Messrs. Smydth of D. and Jones.

*Those who voted in the affirmative were*

Messrs. Butler of C., Champer, Clark of T., Coleman, Graham, Henley, Jones, Leslie, Mason, McCrillis, McCully, Miller, Montgomery of W., Morgan, Newell of F., Newell of W., North, Runyan, Saylor, Shanks, Shortridge, Smydth of D., Walpole, Woodard, and Mr. Speaker—25.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Brenton, Brown, Burton, Butler of V., Byers, Carr, Casey, Chiles, Christian, Clark of D., Clark of F., Coffeen, Cole, Conner, Defrees, Dunbar, Durbin, Farrington, Foote, Goodenow, Hamer, Harding, Harrah, Harrison, Houghton, Howe, Jenckes, Kerr, Lucas, Montgomery of G., Peck, Rawlings, Read, Reyburn, Rippey, Robbins, Rose, Ross, Rulon, Russell, Schoonover, Shoup, Shawhan, Sloan, Standford, Sweetser of G., Sweetser of M., and Wilson,—55.

So said bill was not laid on the table.

Bill No. 171, was then ordered to be engrossed for a third reading on to-morrow.

On motion,

The House adjourned until to-morrow morning 9 o'clock,

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FRIDAY, JAN. 29, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maguire their Secretary.

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives, without amendment, entitled as follows viz:

No. 218, an act repealing the 8th section of an act incorporating the Leesburgh school society, approved Feb. 24, 1840;

No. 220, an act to change the name of the town of Milford in Warren county;

No. 257, an act for the relief of George D. Moore of Randolph county;

No. 270, an act regulating the time of holding courts in the county of Madison, in the eleventh judicial circuit.

Also bills of the Senate, entitled as follows, viz:

No. 83, an act to amend an act entitled an act incorporating congressional townships and providing for public schools therein, approved Feb. 17, 1833;

No. 84, an act for the relief of Henry Goode, of the county of Boone;

No. 85, an act to change a state road therein named;

No. 86, an act to authorize the seminary trustees of Randolph county to borrow money, and for other purposes;

No. 87, an act for the relief of Orson Willard;

No. 93, an act to regulate the time of holding courts within the second judicial circuit of the state of Indiana;

In which bills of the Senate the concurrence of the House of Representatives is respectfully requested.

Bills of the Senate named in the message, Nos. 83, 84, 85, 87, and 93;

Were severally read the first time and passed to a second reading on to-morrow.

The following message was received from the Senate by Mr. Maquire, their secretary:

Mr. SPEAKER;

The Senate has passed engrossed bills and a joint resolution thereof entitled as follows, viz:

No. 88, a joint resolution of the General Assembly of the state of Indiana, on the subject of Mr. Benton's bill to establish a permanent pre-emption system in favor of settlers on the public lands, who shall inhabit and cultivate the same and raise a log cabin thereon;

No. 101, an act to amend the act entitled an act to incorporate the city of New-Albany and repeal all laws now in force incorporating the town of New-Albany, approved Feb. 14, 1839;

No. 102, an act for the relief of James Horney, administrator of the estate of John Myers deceased;

No. 103, an act to authorize the recorder of Cass county to correct his records in a certain case therein named;

No. 108, an act to re-locate a part of a certain state road therein named;

No. 139, an act for the relief of certificate holders to certain school lands in Monroe county;

In which the concurrence of the House of Representatives is requested.

Also the Senate has passed without amendment a bill of the House of Representatives, entitled as follows, viz:

No. 236, an act amendatory to an act locating a state road.

Joint resolution No. 88, and bills No. 108, 103, and 139, of the Senate named in the message;

Were severally read the first time and passed to a second reading on to-morrow.

No. 101, of the Senate in the message; was read the first and 2d times (the rules being suspended) and committed to the committee on corporations.

No. 102, of the Senate named in the message;

Was read the first and second times, (the rules being suspended) and committed to the committee on the judiciary.

The following message was received from the Senate, by Mr. Maguire their Secretary:

Mr. SPEAKER—

The Senate insists on its disagreement to the first amendment of the House of Representatives to the bill of the Senate No. 25, entitled, "an act to amend an act subjecting real and personal estate to execution," and Messrs. Parker and Hanna are appointed a committee of free conference on the part of the Senate, to act with a similar committee that may be appointed on the part of the House of Representatives, to take into consideration the disagreement between the two Houses, on the subject of said amendment.

Said message being read,

Mr. Walpole moved that the House insist on its disagreement with the Senate, and that a committee of free conference be appointed on the part of the House.

Whereupon, Messrs. Walpole and Brenton were appointed said committee.

#### PETITIONS PRESENTED.

By Mr. Burton, of the citizens of Clay county, in relation to a State road therein named;

Which was referred to the committee on roads.

By Mr. Rippey, of the citizens of Elkhart and Kosciusko counties, praying that a certain State road therein named may be vacated;

Which was referred to a select committee of Messrs. Rippey, Brown and Foote.

By Mr. M'Culley, of the citizens of Carroll county on the subject of a State road;

Which was referred to the committee on roads.

By Mr. Rayburn, of the citizens of Miami county, upon the subject of a canal;

Which was referred to a select committee of Messrs. Rayburn, Butler of C., and Brown.

The bill on the same subject was, at the request of Mr. Rayburn, referred to the same select committee.

By Mr. Runyan, a remonstrance of sundry citizens of Kosciusko county, concerning a State road;

Which was referred to the committee on roads.

By Mr. Harding, of W. H. Thornton and others, concerning the incorporation of the town of Indianapolis;

Which was referred to the committee on corporations.

By Mr. Butler of C., of sundry citizens of Cass, Fulton, and Pulaski counties, in regard to a State road therein named;

Which was referred to the committee on roads.

Mr. Mason, chairman, on the part of the House, of the joint committee on the Canal Fund, made a report from that committee, with sundry accompanying documents; all of which were read, laid on the table, and 2000 copies thereof ordered to be printed.

Also, two accompanying bills, the first, No. 284, a bill to provide for the appointment of a Fund Commissioner, and for other purposes; also No. 285, to provide for the appointment of a special agent to collect the suspended debt;

Both of which were read the first and second times, (the rules being suspended,) laid on the table, and 150 copies thereof ordered to be printed.

Mr. Newell of W., made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of certain citizens of Benton county, praying that the name of said county of Benton may be changed to that of Tipton, have considered the same, and a majority have instructed me to report a bill in pursuance of the prayer of the petitioners:

Entitled a bill, No. 286, to change the name of Benton county to that of Tipton.

Which was read the first time and passed to a second reading on to-morrow.

Mr. Stratton made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Joel Pennington and others, No. 6, on the subject of incorporating the town of Cambridge city, have had the same under consideration and have directed me to report the following bill:

No. 287, to incorporate the town of Cambridge city, in Wayne county.

Which was read the first and second times, (the rules being suspended,) and referred to the committee on corporations.

Mr. Sweetser of G., made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of L. D. Perin and other citizens of Grant county, praying the passage of an act incorporating a certain bridge company therein named, have had the same under consideration, and directed me to report the following bill—

No. 288, to incorporate the Jonesborough bridge company.

Was read the first and second times, (the rules being suspended,) and referred to the committee on corporations.

Mr. M'Coy made the following report:

MR. SPEAKER;

The committee on military affairs to whom was referred bill No. 269, of the *House*, relative to the organization of the Shelbyville rifle company, have, according to order, had that bill under consideration, and instructed me to report it back to the House without amendment, and recommend its passage.

Which was considered as engrossed, read a third time and passed, and,

Ordered, that the Clerk inform the Senate thereof.

Mr. Walpole made a motion that the House proceed to the consideration of the resolution of the Senate, fixing Monday the first day of February next, as the day on which the legislature will adjourn sine die.

Which motion prevailed.

The question then recurred on Mr. Blair's amendment, as modified by accepting Mr. Lancaster's amendment.

When Mr. Walpole moved to amend by striking out the "5th," and inserting the "8th."

Which was not adopted.

The question then recurred on concurring in the resolution of the the Senate, with an amendment by inserting the 15th, instead of the first.

And passed in the affirmative.

So the resolution of the Senate was concurred in with an amendment.

Ordered, that the Senate be informed thereof.

The House then proceeded to the orders of the day.

No. 231, a bill providing for the opening and repairing public roads and highways in the county of *Monroe*;

No. 259, a bill to secure the safety of the public funds by requiring bonds of certain officers;

No. 264, a bill to incorporate the town of *Wilmington*, in *Dearborn* county;

No. 265, a bill to change the time of holding probate courts in *Daviess* county;

No. 268, a bill for the relief of Alexander Beard;

Were severally read the third time and passed.



Ordered, that the Senate be informed thereof.

No. 271, extending the boundaries of Martin county;

Was read the third time, when,

Mr. Smydth of D., moved to re-commit said bill to a select committee, with instructions to inquire whether the bill can be constitutionally passed, and also into the expediency thereof.

And the ayes and noes being demanded thereon by Messrs. Houghton and Brenton,

*Those who voted in the affirmative were,*

Messrs. Ball, Blankenship, Bradbury, Burton, Butler of V., Champer, Clark of T., Defrees, Dowling, Dunn, Dunbar, Durbin, Farrington, Freeman, Graham, Howe, Jenckes, Jones, Kerr, Lancaster, Leslie, Mason, M'Crillis, Montgomery of W., Morgan, Newell of W., Peck, Quick, Rawlings, Rayburn, Rippey, Robbins, Ross, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Smydth of D., Smith of F., Stratton, Sweetser of G., Woodard, and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Atherton, Bowers, Bowles, Brenton, Brown, Byers, Carr, Casey, Chrisman, Clark of D., Clark of F., Coffeen, Cole, Conner, Conwell, Hamer, Harrah, Harrison, Henley, Houghton, Kile, Lucas, M'Coy, M'Cully, Montgomery of G., Newell of F., North, Rose, Rulon, Shoup, and Walpole—31.

So said bill was referred with the instructions to a select committee.

Mr. Shanks made the following report:

MR. SPEAKER;

The committee on engrossed bills have compared the engrossed with the original bills of the House, as follows:

No. 231, providing for the opening and repairing public roads and highways in the county of Monroe;

No. 259, to secure the safety of the public funds by requiring bonds of certain officers;

No. 264, to incorporate the town of Wilmington in Dearborn county;

No. 265, to change the time of holding probate courts in Daviess county;

No. 268, for the relief of Alexander Beard;

No. 271, extending the boundaries of Martin county;

And find the same correctly engrossed.

Mr. Byers made the following report:

MR. SPEAKER—

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the *House*, and find them correctly enrolled as follows, to wit:

No. 94, an act to regulate the receipt and disbursement of the Internal Improvement fund;

No. 87, an act for the relief of Marshall S. Wines;

No. 249, an act to amend an act entitled an act authorizing the sale of certain school lands therein named, and for other purposes, approved January 1st, 1838.

Mr. Byers also made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the engrossed with the enrolled bills of the Senate, and find them correctly enrolled, to wit:

No. 79, an act to authorize school commissioners to refund money in certain cases therein named;

No. 95, an act regulating the time of holding courts in the first Judicial circuit, and for other purposes.

On motion of Mr. Lancaster,

Leave of absence was granted to Mr. *Hiatt*, in consequence of indisposition.

On motion,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met pursuant to adjournment,

Mr. Henley submitted the following to be observed as the future rule of the House, viz:

“Upon a call of the House, the absentees shall be noted down by the Clerk, and those for whom sufficient excuse is not made, shall be immediately sent for and taken into custody by a special messenger to be appointed by the *House*—who shall be allowed a fee of fifty cents for every arrest, to be paid in all cases by the delinquent member.”

Which was adopted by the House as a rule thereof.

Mr. Smydth of D. offered the following resolution:

*Resolved*, That the Senate be invited to attend instanter in the Hall of the House of Representatives, to proceed to the election of a Prosecuting Attorney in the 5th judicial circuit, to fill the vacancy occasioned by the resignation of Wm. J. Peaslee, Esq., and that seats be provided for them on the right of the Speaker's chair.

Which was adopted.

On motion of Mr. Mason,

300 additional copies of the report and accompanying documents, and 50 copies of the bills reported by himself this morning, were ordered to be printed and sent to the Senate for the use of the members thereof.

The Senate then came into the Hall of the House of Representatives and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, and both houses by joint ballot, in convention, proceeded to the election of Prosecuting Attorney in the fifth judicial circuit, to fill the vacancy occasioned by the resignation of William J. Peaslee, Esq.

Upon counting the first ballot it appeared that

Hugh O'Neal received,	-	-	-	-	65	votes.
A. A. Hammond, "	-	-	-	-	57	"
Benj. Bull, "	-	-	-	-	12	"
Blank, "	-	-	-	-	2	"

No person having received a majority of all the votes given, the convention proceeded in like manner to a second balloting.

Upon counting the second ballot it appeared that

Hugh O'Neal received	-	-	-	-	68	votes.
A. A. Hammond "	-	-	-	-	68	"
Scattering "	-	-	-	-	1	"

No person having received a majority of all the votes given, the convention proceeded in like manner to a third balloting, and

Upon counting the third ballot, it appeared that

Hugh O'Neal received	:	:	:	:	69	votes.
A. A. Hammond	:	:	:	:	68	"

Hugh O'Neal having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected Prosecuting Attorney for the 5th

judicial circuit, to serve as such for the term of two years, from and after this date.

The convention then adjourned.

The Senate retired to their chamber.

And the House,

On motion of Mr. Smith of F.,

Proceeded to the consideration of bill

No. 202—To classify the public works.

The pending question being on the amendment of Mr. Rayburn to the amendment of Mr. Champer to said bill.

And before any decision was had thereon,

On motion,

The House adjourned until to-morrow morning 9 o'clock.

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### SATURDAY, JANUARY 30th, 1841.

The House met pursuant to adjournment.

The Speaker announced to the House the appointment of the following select committee on bill No. 271, entitled, a bill to extend the boundaries of Martin county, viz:

Messrs. Smydth of Daviess, Houghton and Farrington.

The following message was received from the Senate by Mr. Moffatt a member thereof.

MR. SPEAKER—

The Senate has passed an engrossed bill of the House of Representatives entitled as follows, with one amendment.

No. 193—An act to provide for the completion of that portion of the Cross-Cut Canal which lies between Terre-Haute and the feeder dam in Clay county,

In which amendment the concurrence of the house is respectfully requested.

The amendment of the Senate to said bill was concurred in.

The following message was received from the Senate by Mr. Maquire their Secretary:

Mr. SPEAKER—

The Senate has passed engrossed bills of the House of Representatives without amendment, entitled as follows, viz:

No. 120—An act to provide for keeper of the state house and library.

No. 155—An act for the re-location of the seat of justice in Blackford county.

No. 182—An act to confirm to John and Comegys certain water power therein named.

No. 250—An act fixing the time of holding courts in the eighth judicial circuit.

PETITIONS PRESENTED.

By Mr. Chrisman, of Thomas Heady, a petition for a divorce, Which was laid on the table.

By Mr. Bowers, of G. W. Hunter and others, for a state road in Ripley county,

Which was referred to a select committee of Messrs. Bowers, Durbin and Cole.

By Mr. Coffeen, of Thomas J. Sample, praying for a state road,

Which was referred to a select committee of Messrs. Coffeen, Chamber and Wilson.

By Mr. Burton, the remonstrance of the board doing county business in the county of Clay against legalizing the proceedings of D. Harris and James Ferrell,

Which was referred to the same select committee to which other petitions on the same subject had been referred.

By Mr. Coleman, of sundry citizens of Putnamville, on the subject of passing a special act authorizing the holding of an election therein named,

Which was referred to a select committee of Messrs. Coleman, Blair and Jenckes.

By Mr. Sweetser of G., of J. L. Hogan, and others, on the subject of incorporating a turnpike company,

Which was referred to a select committee of Messrs. Sweetser of Grant, Freeman and Graham.

Mr. Jenckes, chairman of the committee of ways and means, made the following report:

MR. SPEAKER—

The committee on ways and means to whom was referred a bill, to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state, have had the same under consideration, and have made one amendment thereto, and have directed me to report the same back to the house and recommend its passage.

The house concurred in said amendment of the committee, and ordered said bill to be engrossed for a third reading on *Monday* next.

Mr. Sweetser of m. made the following report,

MR. SPEAKER—

The committee on the judiciary to whom was referred a bill relative to the will of George Boon, late of Sullivan county, deceased, have had the same under consideration and directed me to report the same with an amendment.

Strike out the same from the enacting clause and insert the following:

Which was read and concurred in, and said bill considered as engrossed, and read a third time and passed.

Ordered that the Senate be informed thereof.

Mr. Rulon made the following report,

MR. SPEAKER—

The committee on the judiciary to whom was referred "bill of the Senate No. 102, for the relief of James Horner, administrator of the estate of John Myers, deceased," have had the same under consideration, and have directed me to report it back to the house and recommend its indefinite postponement.

The bill was then laid on the table.

Mr. Chiles made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred a bill of the house No. 124, have had the same under consideration, and have directed me to report the same back to the house and recommend its indefinite postponement.

On the question, Shall the report of the committee be concurred in,

And the ayes and noes being demanded thereon by Messrs. Walpole and McCully,

*Those who voted in the affirmative were*

Messrs. Atherton, Blankenship, Bradbury, Brenton, Butler of Cass, Butler of Vanderburgh, Chiles, Chrisman, Coffeen, Conner, Defrees, Dowling, Dunbar, Farrington, Foote, Graham, Harding, Harrah, Harrison, Howe, Jenckes, Jones, Kerr, Kile, Leslie, Mason, Miller, Montgomery of Gibson, Montgomery of Warren, Morgan, Newell of Fountain, Newell of White, North, Quick, Ritchey, Rulon, Russell, Schoonover, Shawhan, Shortridge, Sloan, Sweetser of Grant, Sweetser of Marion, Wilson and Mr. Speaker—45.

*Those who voted in the negative were*

Messrs. Ball, Blatr, Bowers, Bowles, Brown, Burton, Byers, Carr, Casey, Champer, Clark of Dearborn, Clark of Fountain, Clark of T., Cole, Coleman, Conwell, Elkins, Goodenow, Hamer, Henley, Houghton, Lancaster, Lucas, McCrillis, McCully, Peck, Rawlings, Read, Rayburn, Rippey, Robbins, Rose, Runyan, Shanks, Shoup, Stanford, Walpole, Welch and Woodard—39.

So said report was concurred in.

Mr. Brenton made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred the petition of William J. Burns of Putnam county, praying the passage of a special act, by which the petitioner may be put in possession of a copy of the acts of the present General Assembly, for the purpose of enabling the petitioner to enlighten the readers of his paper, as to the laws enacted by the people's agents; and also the suggestion of the same petitioner, as to the propriety of furnishing each Editor in the state with a copy of the acts of each session, have considered said petition, and have instructed me to

## R E P O R T :

That in many of the Senatorial districts there are no editors, and to incur the expense of furnishing such districts is inexpedient, and in all those districts where there are editors, the number furnished to the clerks are sufficient to enable each editor to supply himself for a trifling sum. — Your committee would take great pleasure in complying with the special request of said petitioner, but they are inclined to the belief that each lawyer in the immediate vicinity of the petitioner, has furnished himself with a copy of the laws of Indiana, and being gentlemen of extreme liberality, are always ready to accommodate

any citizen with the information the petitioner seeks to give. And your committee are informed, that one of the Representatives of the county of Putnam is a distinguished lawyer, and has in his possession all the acts of the Legislature of Indiana, and can accommodate the petitioner upon the shortest notice. In view of these facts your committee would ask to be discharged from the further consideration of said petition.

Said report was concurred in.

Mr. Morgan made the following report:

MR. SPEAKER—

The committee on roads to which was referred bill No. 124, of the Senate, entitled an act concerning a state road in Tippecanoe county, have had the same under consideration, and instructed me to report it back without amendment and recommend its passage.

Said bill named in the report, was read a third time and passed.

Ordered that the Senate be informed thereof.

Mr. Morgan also made the following report:

MR. SPEAKER:

The committee on roads to which was referred the petition of William C. Graves and forty-eight others, praying for the repeal of the thirteenth section of an act, entitled an act to establish certain state roads therein named, and for other purposes, approved February 24th, 1840; and the remonstrance of C. B. Simonson and sixty-six others, against granting the prayer of said petitioners, have had the same under consideration, and instructed me to report that any legislation on the subject is inexpedient, and ask to be discharged from the further consideration of the same.

Said report was concurred in, and the committee discharged.

Mr. Morgan also made the following report:

MR. SPEAKER;

The committee on roads to which was referred to petition of David Dodd and others, praying the repeal of an act passed in 1838, making a change in the Warsaw and Peru state road; and also praying for the passage of a law requiring all persons to give notice of their intention to petition the Legislature for the location, change or vacation of any state road, and two remonstrances against the repeal of the act above referred to, have had the same under consideration, and instructed me to report that the second prayer of the petitioners has been anticipated by the 14th section of an act, entitled an act to amend an act entitled an act relating to public roads and highways, approved February 17, 1838; and that to grant the first prayer of the petition-



ers is inexpedient, and ask to be discharged from the further consideration of these subjects.

Said report was concurred in, and the committee discharged.

Mr. M'Cully made the following report:

MR. SPEAKER;

The select committee to whom was referred the petition of Oliver Hammond and others, praying that a part of White county be attached to Jasper county, have had the same under consideration, and have directed me to report the following bill, to-wit:

No. 289, a bill attaching certain territory therein named;

Which was read the first time, and passed to a second reading on to-morrow.

Mr. Atherton made the following report:

MR. SPEAKER;

The select committee to whom was referred the petition of Henry Dunham and others, praying for a location of a state road therein named, have according to order had the same under consideration, and have directed me to report a bill in accordance with the prayer of the petitioners;

No. 290, a bill to locate a state road from Alfred Makepeace's mill in Madison county, to Muncietown, in Delaware county;

Which was read the first time, and passed to a second reading on Monday next.

Mr. Lancaster made a report, and accompanying bill, No. 291, providing for the appointment of a superintendent of common schools, and prescribing his duties.

Which was read the first and second times, (the rules being suspended) when,

Mr. Coleman moved that 500 copies of the report be printed;

Mr. Bowles moved to amend by adding also 100 copies of the bill.

Mr. Smith of F. moved a division of the question, (being on printing:)

Which was decided in the negative,

So the House refused to print.

On motion of Mr. Bowles,

Said bill was laid on the table.

Mr. Bowers made the following report:

MR. SPEAKER;

The select committee to whom was referred the petition of G. W. Hunter, for the relocation of a part of the state road running from Vevay in Switzerland county, to Napoleon in Ripley county, have

had the same under consideration, and have instructed me to report the following bill, and to recommend its passage;

Bill No. 292, to relocate part of a state road therein named;

Which was read three several times and passed.

Ordered that the Senate be informed thereof.

Mr. M'Cully made the following report:

MR. SPEAKER:

The minority of the select committee, to whom was referred the petition of sundry citizens of Benton county, praying that the name of said county be changed from Benton, to that of Tipton, beg leave to submit the following report:

That however much I may esteem the character and services of General Tipton, and however much I may revere his memory, yet, I cannot consent to grant the prayer of said petitioners, when I am aware that said petition is only signed by a very small fraction over one third of the voters in said county. Whenever a petition is presented, signed by a majority of the citizens of said county, praying for such a change; then, and not till then, would I be willing to grant the prayer of said petitioners.

The following message was received from the Senate by Mr. Harris a member:

MR. SPEAKER—

I have been directed by the Senate to inform the House of Representatives, that the Senate has concurred in the amendment of the House to the resolution of the Senate, fixing the day of adjournment *sine die*, with an amendment, which is, to strike out the 15th February and insert Monday the 8th February next.

In which amendment the concurrence of the house is respectfully requested.

On motion of Mr. Jenckes,

The order of business was suspended and bill No. 126, was taken from the table and committed to the committee of ways and means.

On motion of Mr. Walpole,

The rules were further suspended, and the message of the Senate upon the subject of adjourning *sine die*,

Was taken up.

Mr. Judah made a motion that the house disagree to the amendment of the Senate.

Mr. Clark of Tip. moved that the further consideration of said resolution be postponed until Wednesday next.

And the ayes and noes being demanded thereon by Messrs. Kile and Kerr,

*Those who voted in the affirmative were*

Messrs. Ball, Bradbury, Brown, Butler of Cass, Butler of Vander-

burgh, Champer, Clark of Dearborn, Clark of Fountain, Clark of Tip., Coffeen, Ccle, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Hamer, Harding, Harrah, Howe, Jenckes, Jones, Mason, McCully, Morgan, Newell of Fountain, Newell of White, North, Quick, Rayburn, Robbins, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of Fayette, Stanford, Stratton, Sweetser of Grant, Sweetser of M., and Mr. Speaker—43.

*Those who voted in the negative were*

Messrs. Atherton, Blair, Blankenship, Bowers, Bowles, Brenton, Burton, Byers, Carr, Casey, Chrisman, Coleman, Conner, Dunbar, Durbin, Foote, Goodenow, Graham, Harrison, Henley, Houghton, Kerr, Kile, Leslie, Lucas, McCrillis, Miller, Montgomery of G., Montgomery of Warren, Peck, Rawlings, Read, Ritchey, Rippey, Rose, Rulon, Saylor, Schoonover, Shanks, Sloan, Walpole and Wilson—42.

So the further consideration of said message of the Senate was postponed until next Wednesday.

On-motion of Mr. Clark of T.

The order of business was further suspended, and the House proceeded to the consideration of bill

No. 202—To classify the works of Internal Improvement, when, Mr. Rayburn withdrew his amendment.

And Mr. Bowles moved the following as an amendment to the amendment of Mr. Champer:

Strike out the amendment and insert,

Sec. 1. That the public works shall be classified and divided into two classes, as follows to-wit: The Madison and Indianapolis Rail Road from Vernon to Edinburgh; the New-Albany and Vincennes Turnpike Road, from Paoli to Mount Pleasant (except the bridge over the east branch of White river) shall constitute the first class. The Michigan and Erie canal, the Central canal, the White Water canal, the Cross-cut canal, the Rail Road from Edinburgh to Indianapolis, the New-Albany and Crawfordsville road, the Turnpike Road from Mount Pleasant to Vincennes, and the improvements of the Wabash Rapids, shall constitute the second class.

Sec. 2. Those works in the second class shall not be further prosecuted until the works in the first class shall be completed.

Sec. 3. It shall be the duty of the board of Internal Improvements to apply any moneys which shall hereafter come into their hands from the former sale of bonds to the prosecution of the two works specified in the first class, in equal proportions to the estimated cost of each of the works until they shall be completed.

Sec. 4. The Fund Commissioners shall pay over to the board of Internal Improvements, to be applied to the works in the first class for

the prosecution thereof, any moneys which may be received by them in payment of debts due the State for bonds heretofore sold, and such moneys when so collected, shall be applied to the prosecution of said works. Provided, that no state bonds shall be sold for the prosecution of the public works, until directed by subsequent legislation.

And before any decision was had thereon,

On motion,

The House adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

The House met pursuant to adjournment.

The following message was received from the Senate by *Mr. Elliott* a member:

MR. SPEAKER—

The Senate has adopted the following resolution:

*Resolved*, That the House of Representatives be respectfully requested to return to the Senate, the message sent to the House this morning in relation to the time of the final adjournment of this General Assembly.

Upon which,

On motion of *Mr. Montgomery of W.*,

The House reconsidered the vote postponing the consideration of the resolution of the Senate until Wednesday next.

And ordered that the message in relation to said resolution be returned to the Senate.

The house again resumed the consideration of the amendment of *Mr. Bowles* to the amendment of *Mr. Champer* to bill No. 202, pending when the House adjourned.

On motion of *Mr. Read*,

Said bill and amendments were laid on the table, and the house proceeded to the

#### ORDERS OF THE DAY.

No. 179—To amend an act entitled "an act to regulate the mode of doing county business in the several counties of this state.

No. 58 of the Senate—To authorize John Brown to invest certain moneys in bank stock for the use of heirs.

No. 91 of the Senate—To incorporate the Orleans Band of musicians.

No. 132 of the Senate—To incorporate the Putnam county band of music.

No. 133 of the Senate—To amend an act entitled “an act to allow further time to the Lawrenceburgh and Indianapolis Rail Road company to settle up and close their affairs,” approved February 18th, 1840.

Were severally read the third time and passed.

Ordered that the Senate be informed thereof.

#### BILLS ON THE SECOND READING.

No. 82 of the Senate—To authorize Enos Blair, former collector of Monroe county to collect any taxes remaining due and unpaid for the years 1836, 1837 and 1838.

Was read the second time and passed to a third reading.

On motion of Mr. Durbin,

Bill No. 120 of the Senate—Relative to the counties in the third judicial circuit,

Was taken from the table.

And after debate thereon, was,

On motion of Mr. Read,

Again laid on the table.

On motion of Mr. Walpole,

Bill No. 203—To modify the system of Internal Improvements,

Was taken from the table and placed on the files of the house.

No. 119—To amend an act, entitled “an act to regulate the mode of doing county business in the several counties in this state,

Was read the second time and ordered to be engrossed for a third reading.

No. 272—A bill to provide in part for the redemption of Treasury Notes,

Was read a second time and committed to the committee on the Canal Fund.

No. 273—A bill to provide for the better regulation of the Indiana University,

Was read the second time and committed to the committee on Education,

No. 274—A bill to incorporate the Philalethian Society in Jefferson county,

Was read the second time and laid on the table.

On motion of Mr. Dunn,

Joint resolution No. 170—Relative to the College Fund,

Was taken from the table, when,

Mr. Bowles moved its indefinite postponement,

And the ayes and noes being demanded thereon by Messrs. Blankenship and Carr,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blankenship, Bowles, Brown, Burton, Byers, Carr, Casey, Champer, Chrisman, Clark of F., Clark of Tip., Coffeen, Conner, Dunbar, Farrington, Foote, Goodenow, Hamer, Harding, Jenckes, Kerr, Kile, Leslie, Lucas, Mason, McCrillis, Montgomery of G., Morgan, Newell of W., Peck, Quick, Rayburn, Ritchey, Rippey, Robbins, Rose, Russell, Saylor, Schoonover, Shawhan, Shortridge, Sweetser of Marion, Wilson and Woodard—47.

*Those who voted in the negative were*

Messrs. Blair, Bowers, Bradberry, Brenton, Butler of Vanderburgh, Clark of D., Cole, Coleman, Conwell, Dowling, Dunn, Durbin, Elkins, Graham, Harrah, Harrison, Henley, Houghton, Howe, Jones, Lancaster, McCully, Montgomery of W., Newell of F., North, Rawlings, Read, Ross, Rulon, Runyan, Shanks, Shoup, Sloan, Smydth of Daviess, Smith of Fayette, Stanford, Walpole and Mr. Speaker—38.

So said joint resolution was indefinitely postponed.

No. 276, a bill for the organization of Macomb county, was read the second time, and,

On motion of Mr. Ritchey,

Was laid on the table.

No. 93, of Senate, to regulate the time of holding circuit courts within the second judicial circuit of the State of Indiana;

Was read the second time, and,

On motion of Mr. Read,

Laid on the table.

No. 277, to vacate a certain State road in Tippecanoe county;

Was read the second and third times, (the rules being suspended,) and passed.

Ordered, that the Senate be informed thereof.

No. 278, a bill for the benefit of Adam E. Rhodes;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

No. 279, a bill to authorize the erection of a mill-dam across Eel river in Wabash county;

Was read a second time and ordered to be engrossed for a third reading.

No. 280, attaching Sprinklesburg and Mount Prospect to the town of Newburg, in Warrick county, and for other purposes;

Was read the second and third times, (the rules being suspended,) and passed.

Ordered, that the Senate be informed thereof.

No. 282, providing for the location of a State road, and for other purposes;

Was read the second and third times, (the rules being suspended,) and passed.

Ordered, that the Clerk inform the Senate thereof.

No. 283, a bill to declare certain names in the act locating a State road from Washington to Petersville, a misprint;

No. 85, of the Senate, to change a State road therein named;

No. 108, of the Senate, to re-locate part of a State road therein named; and,

No. 139, of the Senate, for the relief of certificate holders of certain school lands in Monroe county;

Were severally read the second and third times, (the rules being suspended,) and passed.

Ordered, that the Senate be informed thereof.

No. 83, of the Senate, a bill to amend an act entitled an act incorporating congressional townships, and providing for public schools therein, approved Feb. 17, 1838;

Was read the second time and committed to the committee on Education.

No. 84, of the Senate, a bill for the relief of Henry Goode, of the county of Boone;

Was read the second time and passed to a third reading on to-morrow.

No. 86, of the Senate, to authorise the seminary trustees of Randolph county to borrow money, and for other purposes;

Was read the second time and passed to a third reading on to-morrow.

No. 88, of the Senate, a joint resolution of the General Assembly of the State of Indiana, on the subject of Mr. Benton's bill to establish a permanent pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a "log-cabin" thereon;

Was read the second time, and,

On motion of Mr. Morgan,

Amended by striking out "1000" and insert "500."

And then passed to a third reading on to-morrow.

No. 87, of the Senate, a bill for the relief of Orson Willard;

Was read the second time and committed to the committee on the Judiciary.

No. 286, a bill to change the name of Benton county to that of Tipton;

Was read the second time, when,

On motion of Mr. M'Cully,

Was committed to a select committee with instructions to report a bill authorizing a poll to be opened in the different townships in said county of Benton, in order that the voters in said county may have an opportunity of deciding the question for themselves.

Leave being granted,

Mr. Sweetser of m., introduced a joint resolution No. 293, on the subject of the judicial circuits;

Which was read three several times, (the rules being suspended,) and passed.

Ordered, that the Senate be informed thereof.

On motion of Mr. Clark of T.,

Bill No. 189, in relation to school moneys deposited with the superintendents of the loan office;

Was taken from the table, read the second and third times, (the rules being suspended,) and passed.

Ordered, that the Clerk inform the Senate of its passage.

Upon leave, Mr. Smith of F., introduced a bill No. 294, to incorporate the Preachers' aid society;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Lancaster also introduced bill No. 295, to amend an act entitled an act to incorporate the city of Richmond in Wayne county, Indiana, approved Feb. 24th, 1840;

Which was read the first time and passed to a second reading on to-morrow.

Also Mr. Elkins introduced a bill No. 296, to establish a State road therein named;

Which was read the first, second, and third times, the rules being suspended, and passed.

Ordered, that the Senate be informed thereof.

Mr. Blair introduced a bill No. 297, to classify the public works;

Which was twice read, the rules being suspended, and committed to the committee of the whole House—Mr. Read in the Chair—and after some time spent therein, the Speaker resumed the chair, and the Chairman reported that the committee had, according to order, had said bill under consideration, had made one amendment thereto, and had directed him to report the bill and amendment to the House, and ask its concurrence therein.

The amendment of the committee being as follows, viz:

Strike out from enacting clause, and insert:

“That the White-water canal and Madison and Indianapolis rail-road be prosecuted, as far as the available means arising from the former sales of State bonds, sold for Internal Improvement purposes, will enable the State so to do.”

Mr. Durbin moved to concur in the amendment of the committee with the following amendment:

Strike out “White-water canal.”

Mr. Henley moved to lay the bill and amendments on the table; And the ayes and noes being demanded thereon by Messrs. Mason and Bowles,



*Those who voted in the affirmative were,*

Messrs. Blair, Bowles, Brown, Burton, Butler of C., Butler of V., Byers, Champer, Clark of D., Clark of F., Conner, Dunbar, Foote, Graham, Henley, Houghton, Jenckes, Jones, Kerr, Leslie, M'Crillis, M'Cully, Montgomery of G., Montgomery of W., Newell of F., Rawlings, Read, Rippey, Rulon, Schoonover, Shanks, Shoup, Sloan, Sweetser of G., and Mr. Speaker—35.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blankenship, Bowers, Bradbury, Brenton, Carr, Chrisman, Clark of T., Coffeen, Coleman, Defrees, Dunn, Durbin, Elkins, Farrington, Goodenow, Hamer, Harding, Harrah, Harrison, Lancaster, Lucas, Mason, Morgan, Newell of W., North, Peck, Quick, Rayburn, Ritchey, Rose, Ross, Runyan, Russell, Saylor, Shawhan, Shortridge, Smith of F., Stanford, Stratton, Sweetser of M., Walpole, Wilson, and Woodard—45.

So said bill and amendments were not laid upon the table.

On motion of Mr. Henley,

Said bill and amendments were laid upon the table.

Upon leave granted,

Mr. Sloan introduced a bill No. 298, to amend an act entitled an act concerning enclosures and trespassing animals, approved February 17th, 1838;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Henley also introduced a bill No. 299, to amend the act entitled an act to amend an act to incorporate the town of Jeffersonville, approved Feb. 22, 1840;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Byers made the following report:

Mr. SPEAKER—

The joint committee on enrolled bills report that they have compared the engrossed with the enrolled bill of the House of Representatives, and find the same truly enrolled as follows, to wit:

No. 150, An act for the relief of the Miami and other Indians.

Also, of the Senate, No. 135, an act to carry into effect an act entitled an act establishing a State [road] therein named, approved February 15, 1839.

No. 78, of the Senate, an act to amend the act authorizing the seizure of boats and other vessels for debt, approved February 17th, 1838.

No. 105, of the Senate, an act to extend a certain street in the town of Bloomington, and for other purposes.

No. 74, of the Senate, an act for the relief of Micajah Barkley.

No. 72, of the Senate, a joint resolution in relation to duties on foreign goods.

No. 110, of the Senate, an act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State.

No. 63, of the Senate, an act in relation to tolls upon the public works.

No. 73, of the Senate, an act to amend an act entitled an act for the encouragement of agriculture, approved Feb. 7th, 1835.

Mr. Byers made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the engrossed with the enrolled bill of the *House*, and find the same correctly enrolled as follows, to wit:

No. 192, an act to provide for the completion of that portion of the Cross-Cut canal which lies between the Feeder-Dam and Terre-Haute.

The following message was received from the Governor by Mr. Moore, his Private Secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that he has this day approved and signed,

An act to provide for the completion of that part of the Cross-cut Canal, which lies between the Feeder dam and Terre-Haute;

And that, on yesterday he approved and signed,

An act for the relief of Marshall S. Wines;

An act to regulate the receipt and disbursement of the Internal Improvement Fund; and,

An act to amend an act, entitled an act, authorizing the sale of certain school lands therein named, and for other purposes, approved January 1, 1838.

All of which originated in the House of Representatives.

On motion,

The House adjourned until Monday morning, 9 o'clock.

MONDAY, FEB. 1, 1841.

The House met pursuant to adjournment.

Ransom W. Akin, Representative elect, to fill the vacancy occasioned by the decease of the *Hon.* George Boon of Sullivan county, appeared, produced his certificate, was sworn into office by the Speaker of the House, and took his seat.

Mr. Smith of F. asked and obtained leave to introduce the following resolution:

*Resolved*, That *Maj.* Touchman, a Polish exile, be permitted to occupy the Hall of the House of Representatives such evenings as he may desire, for the purpose of delivering lectures on the history of Poland.

Which was adopted.

The following message was received from the Senate by Mr. Baird of St. Joseph a member thereof.

MR. SPEAKER—

The Senate has passed without amendment bill No. 82, of the House of Representatives, entitled,

An act defining the duties of petitioners for relocating seats of justice and for other purposes;

The following message was received from the Senate by Mr. Maguire their Secretary.

MR. SPEAKER:

The Senate has passed bills of the House of Representatives, entitled as follows, all without amendment:

No. 26, an act to amend an act to incorporate the Lawrenceburgh bridge company;

No. 103, an act to provide for the revision of the laws;

No. 107, an act to amend an act authorizing the appointment of pilots at the falls of the Ohio river, approved Feb. 7, 1825;

No. 252, an act changing the time of holding courts in the third judicial circuit;

Also engrossed bills of the Senate entitled as follows, viz;

No. 92, an act to amend an act amendatory to an act, entitled, an act concerning the Seminary townships of land in Gibson and Monroe county, approved Jan. 25, 1837;

No. 113, an act to amend an act attaching Decatur county to the sixth judicial circuit and for other purposes, approved Feb. 12, 1840;

No. 141, an act to incorporate the Liberty band;

In which the concurrence of the House of Representatives is respectfully requested;

Bills of the Senate No. 92, and 141, named in the message;

Were read the first time and passed to a second reading on tomorrow.

Bill No. 113 of the message;

Was read three several times (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

The following message was received from the Senate by Mr. Maguire, their secretary:

MR. SPEAKER—

The Senate has concurred in the amendment of the *House* of Representatives, to the resolution of the Senate fixing upon the 15th of February for the adjournment of the present General Assembly.

The Senate has also passed an engrossed bill of the *House* of Representatives, entitled,

No. 100, an act to provide in part for the payment of the interest on the public debt;

With several amendments, in which the concurrence of the *House* of Representatives is respectfully requested.

Mr. Smith of F. moved to concur in the first amendment of the Senate to bill No. 100, with the following amendment.

Provided also, that if the final decision in such case should be, that the said education tax is under the charter not an addition to, but included in the ad valorem taxation in the event above referred to, then this section shall receive a like construction, any thing herein to the contrary notwithstanding. And provided also that nothing in this section shall be construed to subject any portion of the stock of individuals to taxation that is not now taxable under the charter.

And the ayes and noes being demanded thereon by Messrs. Bowles and Leslie.

*Those who voted in the affirmative were,*

Messrs. Akin, Atherton, Blair, Bradberry, Brown, Butler of V., Champer, Chiles, Clark of D., Coleman, Defrees, Dowling, Dunn, Farrington, Harrah, Howe, Jenckes, Jones, Kile, Lancaster, Mason, Montgomery of G., Newell of W., Reyburn, Robbins, Ross, Runyan, Russell, Shawhan, Smydth of D., Smith of F., Stratton, Walpole, and Wilson—34.

*Those who voted in the negative were,*

Messrs. Ball, Blankenship, Bowers, Bowles, Brenton, Burton, Butler of C., Byers, Carr, Casey, Chrisman, Clark of F., Clark of T., Coffeen, Cole, Conner, Conwell, Dunbar, Durbin; Foote, Goodenow, Graham, Hamer, Harding, Harrison, Henley, Houghton, Kerr, Leslie, Lucas, McCrillis, McCulley, Miller, Montgomery of W., Morgan, Newell of F., North, Peck, Quick, Rawlings, Read, Ritchey, Rippey, Rose,

Rulon, Saylor, Schoonover, Shanks, Shoup, Sloan, Stanford, Sweetser of G., Sweetser of M., Welch, Woodard, and Mr. Speaker—56.

So the House refused to concur in the amendment of the Senate to bill of the House No. 100, with the amendment of Mr. Smith of F.

Mr. Sweetser of M. moved to concur in the amendment of the Senate with the following amendment.

Provided also that if the final decision in such case should be, that the said education tax is under the charter not an addition to, but included in the ad valorem taxation in the event above referred to, then this section shall receive a like construction, any thing herein to the contrary notwithstanding.

And the ayes and noes being demanded thereon by Messrs. Rippey and Saylor.

*Those who voted in the affirmative were,*

Messrs. Atherton, Blankenship, Brown, Butler of C., Champer, Chiles, Clark, of D., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Durbin, Farrington, Goodenow, Harding, Harrah, Harrison, Howe, Jenckes, Kile, Lancaster, Mason, McCrillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of W., North, Quick, Rayburn, Robbins, Rose, Runyan, Russell, Shawhan, Sloan, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Sweetser of M., Walpole, Welch, Wilson, Woodard, and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Akin, Ball, Blair, Bowers, Bowles, Bradbury, Brenton, Burton, Butler of V., Byers, Carr, Casey, Chrisman, Clark of F., Clark of T., Dowling, Dunbar, Foote, Graham, Hamer, Henley, Houghton, Jones, Kerr, Leslie, Lucas, McCully, Newell of F., Peck, Rawlings, Read, Kitchey, Rippey, Ross, Rulon, Saylor, Schoonover, Shanks, and Shoup—39.

So the House concurred in the amendment of the Senate to bill of the House No. 100, with the amendment proposed by Mr. Sweetser of M.

The House then concurred in the second, third and fourth amendments of the Senate to bill No. 100.

Petitions were then presented,

By Mr. Champer. of A. D. Caffee and others, relative to two several state roads;

Which was referred to a select committee of Messrs. Champer, Byers, and Freeman.

By Mr. Schoonover, of the president and secretary of the Livonia Band;

Which was referred to a select committee of Messrs. Schoonover, Shanks, and Jenckes.

By Mr. Brown, of the citizens of Laporte county upon the subject of the state revenue;

Which was referred to a select committee of Messrs. Brown, De-frees, and Ball.

By Mr. Ritchey, a remonstrance of sundry citizens of Johnson county against the formation of the county of *Macomb*;

Which was read and laid on the table.

By Mr. Akin, of John Heaton and others concerning a state road;

Which was referred to a select committee of Messrs. Akin, Read, and Kerr.

By Mr. Cole, of John F. Richards, for bringing a fugitive from justice;

Which was referred to the committee on claims.

By Mr. Reyburn, the remonstrance of the citizens of *Fulton* county against the granting of a state road;

Which was referred to the committee on roads.

By Mr. Farrington, of the citizens of *Vigo* county, concerning *Lost creek*;

Which was referred to a select committee of Messrs. Farrington, Jenckes, and Dowling.

By Mr. McCully, of George Markle and others, concerning a bank-rupt law;

Which was read and referred to the committee on federal relations.

Mr. Newell of *White*, asked and obtained leave to introduce a bill, No. 300, to classify the public works;

Which was read the first and second times, (the rules being suspended) when,

Mr. Conner moved the following amendment:

A bill to modify the system of Internal Improvements.

Sec. 1. Be it enacted by the General Asembly of the state of Indiana, that the public works enumerated in the act entitled, an act to provide for a general system of Internal Improvements, approved January 27, 1836, be and the same are hereby divided into two classes, to be denominated the first and second class, viz: The *White water canal*, on the surveyed route thereof, from *Lawrenceburgh* to *Connersville*, and the *New Albany and Vincennes M'Adamized turnpike road*, between *New Albany* and *Vincennes*, (excepting the metalling west of *Paoli*, and the two *White river bridges*) shall constitute the first class, and all the other works embraced in said act of January 27, 1836, shall constitute the second class.

Sec. 2. Nomoneys of the state shall be appropriated or expended on any work in the second class until that portion of the works named in the first class shall be fully completed, and in the application of the funds of the state on the works mentioned in the first class, the superintendents or officers having charge of the same, shall so apply the same as to render the works available for use to the state at the earliest possible time.

Sec. 3. The fund commissioners of the state, are hereby expressly prohibited from the sale of any additional bonds of the state, for the term of one year, for the prosecution of any of the public works what-

ever, and from the hypothecation of the same in any manner, or for any purpose connected with the system of Internal Improvements.

Sec. 4. It is made the duty of the fund commissioner to use all lawful means to secure the payment of the suspended debts due the state of Indiana, and apply the proceeds thereof (except the bank loan) to the prosecution of the works named, as constituting the first class as named in the first section of this act.

Sec. 5. That the fund commissioners are hereby directed in the collection of any of the debts due the state for the sale of state bonds, to make any compromise which shall in their opinion be for the benefit of the state, where the security for the final payment of said debts is not amply secured.

Sec. 6. That for the purpose of avoiding unnecessary expense to the state, and dispensing with unnecessary officers, the board of Internal Improvement is hereby dissolved.

Sec. 7. There shall be elected by joint ballot vote of the General Assembly of the state at its present session, one Principal Engineer, and immediately thereafter said Engineer shall take an oath of office, faithfully & impartially & without regard to local interests, and with a view to the general welfare of the state, diligently and truly to discharge his duty as such Engineer, and discharge all the duties required of him as such, and which are now performed by the present board of Internal Improvements, and shall annually receive for his services the sum of one thousand five hundred dollars; and before entering upon the duties of his office he shall give bond to the satisfaction of the Auditor, Treasurer and Secretary of State, payable to the state of Indiana, conditioned for the faithful discharge of his duties as such Engineer, which bond shall be filed and kept by the Secretary of State.

Sec. 8. Said Engineer shall be authorized to employ one assistant at such times as the same may be necessary, who shall receive for his services not exceeding one thousand dollars annually.

Sec. 9. It shall be the duty of said Engineer, to use every proper exertion to prevent from ruin or dilapidation, such portions of the public works in the second class as may be going to waste, and annually report all facts, and make such suggestion as he shall deem proper for the interests of the state.

Sec. 10. There shall be one Fund Commissioner elected in the same manner as the Principal Engineer, to supercede the present Fund Commissioners, whose term of office shall expire from and after the publication of this act.

Sec. 11. This act to be in force from and after its publication in the Indiana Journal and Democrat.

Mr. Champer moved to recommit the bill and amendments to a select committee, with the following instructions:

To place the southern end of the Central canal & the Cross-cut canal in the first class, and the other works in the second class, and apply the suspended debt to the prosecution of the first class, as the same can be realized.

Mr Brenton moved a division of the question, (on committing,)

*Those who voted in the affirmative were*

Messrs. Ball, Blankenship, Brown, Burton, Butler of V. Casey, Champer, Coleman, Dowling, Durbin, Farrington, Graham, Hamer, Jenckes, Kile, Leslie, Lucas, M'Cully, M'Crillis, Montgomery of G. Newell of F. Robbins, Smydth of D.—23.

*Those who voted in the negative were*

Messrs Akin, Atherton, Blair, Bowers, Bowles, Bradbury, Brenton, Butler of C. Byers, Carr, Chiles, Chrisman, Clark of D. Clark of F. Clark of T. Coffeen, Cole, Conner, Conwell, Defrees, Dunn, Dunbar, Elkins, Foote, Goodenew, *Harding*, *Harrison*, *Henley*, Houghton, *Howe*, Jones, Kerr, Mason, Miller, Montgomery of W. Morgan, Newell of W. North, Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Ross, Rose, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shoup, Sloan, Smith of F. Stanford, Stratton, Sweetser of G. Sweetser of M. Walpole, Welch, Wilson, Woodard and Mr. Speaker—66.

So the *House* refused to commit the bill and pending amendments to a select committee.

Mr. Dowling offered the following:

Amend the amendment as follows:

Provided, that nothing contained in this act shall be so construed as to prohibit the expenditure of the sum heretofore appropriated for the improvement of navigation at the Wabash rapids, in accordance with the compact entered into with the state of Illinois.

Which was adopted.

Mr. Clark of T. moved the following amendment:

Strike out of 1st section that part which relates to New Albany and Vincennes road,

And the ayes and noes being demanded thereon by Messrs. Smydth of D. M'Crillis;

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Brenton, Brown, Butler of Cuss, Casey, Champer, Chiles, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conwell, Dunn, Dunbar, Durbin, Elkins, Farrington, Goodenow, *Harding*, *Harrarah*, *Harrison*, Jones, Kile, *Mason*, *McCrillis*, *McCully*, Montgomery of Warren, *Morgan*, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Rayburn, Ritchey, Rippey, Robbins, Ross, Runyan, Russell, Saylor, Shawhan, Stanford, Sweetser of Grant, Sweetser of M., Walpole, Welch and Woodard—54.

*Those who voted in the negative were*

Messrs. Atherton, Bowles, Bradbury, Burton, Butler of Vander-



burgh, Byers, Carr, Clark of F., Conner, Dowling, Foote, Graham, Hamer, Henley, Houghton, Howe, Jenckes, Kerr, Leslie, Lucas, Miller, Montgomery of Gibson, Read, Rose, Rulon, Schoonover, Shanks, Shoup, Sloan, Smydth of D., Smith of F., Stratton, Wilson and Mr. Speaker—34.

So said amendment was adopted.

Upon which,

Mr. Montgomery of Gibson moved "to fill the blank with the Cross-Cut canal,"

Which was not adopted.

Mr. Bowles moved the following amendment:

Strike out White Water Canal and insert Madison and Indianapolis Rail Road."

And the ayes and noes being demanded thereon by Messrs. Clark of D. and Henley,

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Blankenship, Bowles, Brenton, Butler of Vanderburgh, Byers, Carr, Casey, Chiles, Clark of Dearborn, Clark of Tippecanoe, Coffeen, Cole, Dunbar, Durbin, Goodenow, Hamer, Harding, Harrah, Harrison, Henley, Houghton, Leslie, Lucas, McCully, Miller, Montgomery of Gibson, Quick, Rawlings, Read, Ritchey, Rippey, Robbins, Rulon, Saylor, Schoonover, Shanks, Sweetser of Grant, Walpole, Welch, and Wilson—42.

*Those who voted in the negative were*

Messrs. Ball, Blair, Bowers, Bradbury, Brown, Burton, Butler of Cass, Champer, Clark of Fountain, Coleman, Conner, Conwell, De-frees, Dowling, Dunn, Elkins, Farrington, Foote, Graham, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Mason, McCrillis, Montgomery of W., Morgan, Newell of F. Newell of W. North, Peck, Rayburn, Rose, Ross, Runyan, Russell, Shawhan, Shoup, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of M., Woodard and Mr. Speaker—48.

So said amendment was not adopted.

Mr. Judah moved the following amendment:

"Fill the blank with improvement of the Rapids of the Wabash river."

And the ayes and noes being demanded thereon by Messrs. Clark of D. and Ritchey,

*Those who voted in the affirmative were*

Messrs. Akin, Brown, Burton, Butler of Cass, Butler of V., Casey, Champer, Chiles, Clark of Fountain, Clark of Tip., Coleman, Con-

ner, Conwell, Defrees, Dowling, Dunbar, Farrington, Foote, Houghton, Howe, Jenckes, Kerr, Kile, Lancaster, Leslie, Mason, McCully, Miller, Montgomery of G., Montgomery of W., Newell of Fountain, Newell of White, Read, Rayburn, Rippey, Rose, Ross, Russell, Saylor, Shoup, Smydth of Daviess, Smith of Fayette, Stratton, Walpole, Wilson, and Mr. Speaker—46.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Byers, Carr, Clark of D., Coffeen, Cole, Dunn, Durbin, Elkins, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Henley, Jones, Lucas, McCrillis, Morgan, North, Peck, Rawlings, Ritchey, Robbins, Rulon, Runyan, Shanks, Shawhan, Sloan, Stanford, Sweetser of G., Sweetser of Marion, Welch and Woodard—42.

So said amendment was adopted.

Mr. Champer moved to commit the bill and amendments to a select committee with the following instructions:

To strike out that part of the bill which classifies the public works, and provide for a general suspension of all the works for one year, to discharge all officers connected with the system, and for the election of some suitable person by the present General Assembly, whose salary shall be \$1500, to take care of and preserve from dilapidation the different works and materials, with power to employ such assistance for that purpose as may be necessary, whose compensation shall be made by the next legislature, for the time they were actually in service.

And before any decision was had thereon,

The House adjourned until 2 o'clock, P. M.

*2 o'clock, P. M.*

The House met and resumed its session.

On motion of Mr. Smydth of D.,

A call of the House was ordered.

And the roll being called, Messrs. Coleman, Hamer and Elkins were absent.

There being a quorum in attendance the further call was suspended.

And the House resumed the consideration of the motion pending when the House adjourned, being on committing bill No. 300 and amendments to a select committee, when,

Mr. Walpole moved a division of the question, being on committing,

And the ayes and noes being demanded thereon by Messrs. Champer and Smydth of D.,

*Those who voted in the affirmative were*

Messrs. Akin, Ball, Bowles, Brenton, Brown, Butler of V., Byers, Carr, Casey, Champer, Chiles, Chrisman, Conner, Dunbar, Durbin, Foote, Graham, Henley, Houghton, Jones, Kerr, Leslie, McCrillis, McCully, Miller, Montgomery of Gibson, Read, Schoonover, Shanks, Sloan, and Smydth of D.—31.

*Those who voted in the negative were*

Messrs. Atherton, Blair, Blankenship, Bowers, Bradbury, Burton, Butler of C., Clark of D., Clark of F., Clark of T., Coffeen, Cole, Conwell, Defrees, Dowling, Dunn, Farrington, Goodenow, Harding, Harrah, Harrison, Howe, Jenckes, Kile, Lancaster, Lucas, Mason, Montgomery of W., Morgan, Newell of F., Newell of White, North, Peck, Quick, Rawlings, Reyburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of Marion, Walpole, Welch, Wilson, Woodard, and Mr. Speaker—58.

So the House refused to commit said bill and amendments to a select committee.

Mr. Montgomery of Warren moved the following amendment to the amendment of Mr. Connor:

Strike out the bill from the enacting clause and insert the following:

#### A BILL TO CLASSIFY THE PUBLIC WORKS.

Sec. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the public works enumerated in the act entitled, "An act to provide for a general system of Internal Improvements, approved January 27, 1836, bc; and the same are hereby divided into two classes. The White Water canal on the surveyed route thereof, from Lawrenceburgh to the National Road, and the Madison and Indianapolis Rail Road from Madison to Edinburgh, shall constitute the first class, and the remainder of the works included in the aforesaid system shall constitute the second class.

Sec. 2. No moneys of the State shall be appropriated or expended on any work named in this act as the second class, until the works named in the first class shall have been fully completed through the entire route named in this act. And in the application of the funds of

the State to any of the said works, it shall be the duty of the state officer or officers having the superintendence and charge of the same, to see that operations be so conducted as to make as much of the works immediately available for the purposes of commerce and travel as is practicable with the funds at his or their disposal.

Sec. 3. Of the moneys now appropriated by law to the construction of the works of the second class in this act, a sufficiency to complete the works named in the first class of this act, is hereby diverted from the purposes to which the same were appropriated in the act entitled, "an act to provide for a general system of Internal Improvements, approved Jan. 27, 1836," and are hereby appropriated to the completion of the works named in the first class of this act; and so much of said act as provides for the application of any part of the unexpended appropriations to the works named in the second class of this act, is hereby repealed. Provided, that nothing in this section contained, shall be so construed as to prevent the expenditure of any unexpended appropriation heretofore made for the purpose of improving the navigation at the Rapids of the Wabash river; or to prevent the prosecution of the Wabash and Erie canal between Lafayette and Terre-Haute, whenever the lands donated by the United States for that purpose shall have been received and converted into funds for that purpose by the State of Indiana.

Sec. 4. The fund commissioners or other agent or agents are hereby authorized and required to make sale of such of the State securities, taken to secure the payment of the proceeds of the sale of state bonds, as can be sold without loss to the state, (reserving such as can be advantageously applied to the completion of either of the works of the first class,) taking into consideration the probable future value of said securities: and in all cases where they shall deem it doubtful whether any of said securities may hereafter be sold for more than can be now obtained for them, they are hereby required to make immediate sale of such securities for the best prices which can be realized for them. The proceeds of such sale to be applied, first to the payment of the remainder of the interest which may not be realized by taxation, to be made during the year 1841, and the residue thereof to be deposited in the State Treasury, to be applied as provided in this act.

Sec. 5. No moneys of this State, (except as in this act provided,) shall be appropriated or expended on any of the public works of the State.

Sec. 6. It shall be the duty of the Chief Engineer to discharge all the duties now required of the Board of Internal Improvements, consistent with the provisions of this act, in addition to those required of him as Chief Engineer, for which he shall receive an additional sum of — dollars, payable out of the State Treasury; and said Board of Internal Improvements is hereby abolished.

Sec. 7. Said Engineer shall be authorised to employ, from time to time, as necessity may require, one assistant, on the most reasonable terms practicable, whose compensation shall not exceed the sum of — dollars per annum, to be paid out of the State Treasury.

Sec. 8. The said Engineer shall take charge and superintendence of all the unfinished portions of the works of the State, and report to the Legislature, from time to time; their condition, and suggest such measures as he shall deem advisable to prevent losses to the State by their dilapidation.

He is also authorised to transfer the unfinished portions of said works of the second class of this act, to such companies as may hereafter be incorporated for their completion, reserving to the State the finished portions thereof.

Sec. 9. There shall be no further sale of State bonds by any agent or agents of this State, until authorised by future legislation.

All laws and parts of laws coming within the purview of this act, be, and the same are, hereby repealed.

This act to take effect and be in force from and after its passage.

Mr. Hamer moved to re-commit the bill and amendments to a select committee with the following instructions:

“To provide also for the grubbing, grading, and bridging of that portion of the Jeffersonville and Crawfordsville road between Jeffersonville and Salem.”

On motion of Mr. Coleman,

The instructions were amended as follows, viz:

“And all that part of the same road north of Greencastle.”

On motion of Mr. Champer,

The instructions were further amended by adding the following:

“Also all that part between Salem and Spencer.”

Mr. Wilson moved to add the following amendment to the instructions:

Amend the instructions so as to include that part of the Indianapolis and Lafayette road between Crawfordsville and Lafayette.

Which was adopted.

Mr. Saylor moved to lay the motion to commit, with the instructions as amended, on the table.

Mr. Dunn moved the previous question.

And being demanded by a majority of the members present, the said previous question was put, viz:

Shall the main question be now put?

And the ayes and noes being demanded thereon by Messrs. Bowles and Smyth of D.,

*Those who voted in the affirmative were,*

Messrs. Akin, Atherton, Blair, Bowers, Bradbury, Brenton, Butler of C., Chiles, Chrisman, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conwell, Dowling, Dunn, Elkins, Farrington, Goodenow, Harding, Harrah, Harrison, Howe, Jenckes, Jones, Lancaster, Lucas, Mason, Morgan, Newell of W., North, Peck, Quick, Rawlings, Rayburn, Ritchey, Rose, Ross, Rulon, Runyan, Saylor, Shawhan, Shortridge, Shoup, Smith of F., Standford, Stratton, Sweetser of M., Walpole, Welch, and Woodard—52.

*Those who voted in the negative were,*

Messrs. Ball, Blankenship, Bowles, Brown, Burton, Butler of V., Byers, Carr, Casey, Champer, Clark of F., Conner, Defrees, Dunbar, Durbin, Foote, Graham, Hamar, Henley, Houghton, Kerr, Kile, Leslie, M'Crillis, M'Culley, Miller, Montgomery of G., Montgomery of W., Newell of F., Read, Rippey, Robbins, Russell, Schoonover, Shanks, Sloan, Smydth of D., Sweetser of G., Wilson, and Mr. Speaker—40.

So the House decided that the main question should be now put; which was:

Shall the bill and amendments be engrossed for a third reading?

And the ayes and noes being demanded thereon by Messrs. Bowles and Champer,

*Those who voted in the affirmative were,*

Messrs. Atherton, Blair, Bowers, Bradbury, Brenton, Butler of C., Chiles, Chrisman, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conwell, Dowling, Dunn, Elkins, Farrington, Goodenow, Harding, Harrah, Harrison, Jenckes, Lancaster, Lucas, Mason, M'Cully, Montgomery of W., Morgan, Newell of W., North, Peck, Quick, Rawlings, Rayburn, Ritchey, Rose, Ross, Rulon, Runyan, Saylor, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton, Sweetser of M., Walpole, Welch, and Woodard—51.

*Those who voted in the negative were,*

Messrs. Akin, Ball, Blankenship, Bowles, Brown, Burton, Butler of V., Byers, Carr, Casey, Champer, Clark of F., Conner, Defrees, Dunbar, Durbin, Foote, Graham, Hamer, Henley, Houghton, Howe, Jones, Kerr, Kile, Leslie, M'Crillis, Miller, Montgomery of G., Newell of F., Read, Rippey, Russell, Schoonover, Shanks, Sloan, Smydth of D., Sweetser of G., Wilson, and Mr. Speaker—41.

So said bill and amendments were ordered to be engrossed for a third reading.

The Speaker laid before the House a communication from the Governor, transmitting a communication from the Governor of Alabama; containing a report and joint resolutions of the General Assembly of Alabama, responsive to certain resolutions of the legislature of South Carolina, in relation to the Georgia and Maine controversy.

Which was read and committed to the committee on Federal Relations.

The House then proceeded to the consideration of the orders of the day.

No. 82, of the Senate, a bill to authorize Enos Blair, former collector of Monroe county, to collect any taxes remaining due and unpaid for the years 1836, 1837, and 1838;

No. 84, of the Senate, a bill for the relief of Henry Goode of the county of Boone;

No. 86, an engrossed bill to authorise the seminary trustees of Randolph county to borrow money, and for other purposes;

No. 88, a joint resolution of the General Assembly of the State of Indiana, on the subject of Mr. Benton's bill to establish a permanent pre-emption system, in favor of settlers on the public lands, who shall inhabit and cultivate the same, and raise a "log-cabin" thereon;

No. 119, an engrossed joint resolution on the subject of the State Bank of Indiana;

No. 278, an engrossed bill for the benefit of Adam E. Rhodes;

No. 279, an act (engrossed bill) to authorise the erection of a mill-dam across Eel river, in Wabash county;

Were severally read the third time and passed.

Ordered, that the Senate be informed thereof.

#### BILLS ON THE SECOND READING.

Mr. Sweetser of Marion, moved to take from the table, bill No 274, a bill entitled an act to incorporate the Philalethian Society of Jefferson county;

Which was agreed to; when

On motion of Mr. Sweetser of Marion,

Said bill was amended by adding the following proviso:

"Provided that the constitution adopted by said corporation, shall not be of any effect, unless the same shall be approved by the faculty of Hanover college."

Said bill was considered as engrossed, read a third time and passed.

On motion of Mr. Read,

A bill No. 199, of the House, to locate the county seat of Sullivan county;

Was taken from the table.

Mr. Jenckes moved to commit said bill to a select committee with the following instructions:

"To provide that a vote shall be taken by the legal voters of said county, for or against a relocation of the county seat, according to the prayer of the petitioner, and requiring a majority of the votes to be given in favor of the said re-location, before a removal of the present county seat shall be made."

Which motion did not prevail;

Said bill was then read a third time,

And on the question shall the bill pass,

The ayes and noes being demanded by Messrs. Farrington and Jenckes;

*Those who voted in the affirmative were*

Messrs Akin, Atherton, Blair, Blankenship, Bowers, Bowles, Bradbury, Butler of C. Burton, Byers, Carr, Casey, Chrisman, Clark of D, Clark of F. Coffeen, Cole, Conner, Conwell, Dunbar Durbin, Elkins,

Foote, Graham, Hamer, Harding Harrison, Henley, Houghton, Howe, Jones, Kile, Lancaster, Lucas, McCully, McCrillis, Miller, Morgan, Newell of F. North, Quick, Read, Ritchey, Rippey, Robbins, Ross, Rulon, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Smydth of Daviess, Stanford, Stratton, Sweetser of M. Welch, Wilson, Woodard and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs Ball, Brown, Butler of V. Chiles, Coleman, Defrees, Farrington, Goodenow, Jenckes, Leslie, Morgan, Montgomery of G. Montgomery of W. Newell of W. Peck, Smith of F. Sweetser of G.—17

So said bill passed.

Ordered that the Clerk inform the Senate thereof.

On motion of Mr. Read,

Bill No. 93, was taken from the table, entitled, a bill to regulate the time of holding courts within the second judicial circuit of the state of Indiana;

Was read a second time, and ordered to a third reading on to-morrow.

Bill No. 202, a bill to classify the public works;

Was read a second time, and laid on the table.

No. 289, a bill attaching certain territory therein named, to Jasper county;

Was read a second time and ordered to be engrossed and read a third time.

No. 203, a bill to modify the system of Internal Improvements;

Was read the second time;

Mr. Montgomery of G. moved to amend as follows:

That all further operations on our system of Internal Improvements be and the same are hereby suspended, until the next annual meeting of the Legislature.

Sec. 2. And be it further enacted, that the board of public works be and the same is hereby dissolved.

Sec. 3. And be it further enacted, that our fund commissioners be and they are hereby discharged.

This act to take effect and be in force from and after its passage.

Mr. Walpole moved to lay said bill with the amendment on the table;

And the ayes and noes being demanded thereon by Messrs. Chamber and Butler of V.

*Those who voted in the affirmative were,*

Messrs Atherton, Blair, Ball, Blankenship, Bowers, Brenton, Bradbury, Butler of C. Byers, Chiles, Clark of D. Clark of F. Coffeen, Cole, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Goodenow, Harding, Harrison, Jenckes, Lancaster, Lucas, Mason, Montgomery of W. Morgan, Newell of W. Newell of Fountain, North, Peck, Quick, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross,



Rulon, Russell, Saylor Schoonover, Shanks, Shawhan, Shortridge, Shoup, Smith of Fayette, Stanford, Stratton. Sweetser of G. Sweetser of M. Walpole, Welch, Wilson and Woodard.—61.

*Those who voted in the negative were,*

Messrs Akin, Bowles, Brown Butler of V. Carr, Casey, Champer, Chrisman, Coleman, Conner, Dunbar Foote, Graham, Hamer, Harrah, Henley, Houghton, Howe, Jones, Kerr, Kile, Leslie, M'Crillis, M'Cully, Miller, Montgomery of G. Rawlings, Read, Sloan, Smydth of D. and Speakear—31.

So said bill and amendments were laid on the table.

Mr. Butler of C. asked and obtained leave to introduce the following resolution:

*Resolved,* That the enrolling clerk be authorized to procure the assistance of one or more assistant clerks, as the duties assigned him may require.

Which was adopted.

No. 290, a bill to locate a state road therein named;

Was read a second time and ordered to be engrossed and read a third time to-morrow.

No. 294, an act to incorporate the Preachers Aid Society;

No. 295, an act to amend an act, entitled an act to incorporate the city of Richmond in Wayne county, approved, Feb. 24, 1840;

Were read the second time, and committed to the committee on corporations.

No. 298, an act to amend an act concerning enclosures and trespassing animals, approved, Feb. 17, 1838;

Was read the second time, and was ordered to be engrossed for a third reading on to-morrow.

No. 299, an act to amend an act to incorporate the town of Jeffersonville, approved, Feb. 22, 1840;

Was read second time and referred to committee on corporations.

Mr. Rippey made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of sundry citizens of Elkhart and Kosciusko counties praying that a certain state road therein named may be vacated, have had the same under consideration, and have directed me to report the following bill in accordance with the prayer of said petitioners:

Bill No. 301, to vacate a state road in the counties of Elkhart and Kosciusko;

Which was read the first and second times, (the rules being suspended) and committed to the committee on roads.

Mr. Rayburn made the following report:

MR. SPEAKER:

The select committee to whom was referred the petition of Solomon Holman and others, praying for the location of a canal route from Peru in Miami county viz: Rochester to Lake Michigan, and a bill of the House No. 234, on the same subject, have had the same under consideration, and direct me to make the following

#### REPORT:

Your committee fully aware of the vast importance of the subject referred to them, and the mighty interests involved; have approached it with that cool dispassionate deliberation that its great merit appeared to demand. Your committee would beg leave to remind this House that the individual who possessed the mind to conceive of the project of uniting the crystal waters of the northern lakes with the murky waters of the south, could not have been of ordinary mould; when the future Historian is selecting from the general mass of greatness something to emblazon American fame; this individual must stand by the side of the illustrious De Wit Clinton, the father of canals. The committee are also aware as suggested by the projectors of this immense scheme, fraught with so many blessings not only to this, but to generations yet unborn, that objections will be made to this scheme, your committee have no doubt. It may be urged that the state is some in debt, say 14 millions of dollars, and from present appearances, we may fall a little short, but your committee are of opinion that objections so futile as the foregoing are of but little consequence when compared with the great advantages that must result to the state from the connection of the vast coal regions of the south, with the immense iron regions of the north, we therefore report the bill back to the House with two amendments, and recommend its passage.

The amendments to bill No. 234;

Were read and concurred in,

And the bill and amendments were ordered to be engrossed and read a third time.

Upon leave being granted, the following bills were introduced:

By Mr. Burton, bill No. 302, a bill extending further time to the borrowers of the sinking fund;

By Mr. Lancaster, bill No. 303, a bill respecting license for retailing spiritous liquors in the city of Richmond.

By Mr. Shoup, bill No. 304, a bill to amend an act regulating the fees and salaries of the several officers and persons therein named, approved Feb. 7, 1831;

By Mr. Hanna, bill No. 307, fixing the per diem allowance of the members of the General Assembly.

By Mr. Dunbar, No. 305, a bill to amend an act to provide for the distribution of the laws and journals, and for other purposes, approved Feb. 10, 1831;

Which were severally read the first time, and passed to a second reading on to-morrow.

Mr. Montgomery offered the following preamble and resolution:

Whereas, when the law was enacted, exempting one hundred dollars worth of property from execution, it was a time of general prosperity; and whereas times have since greatly changed, and the property that then would have been valued at one hundred dollars, could not now be estimated at half that sum, and as a consequence of continuing in force said act in these times, debtors can hold twice as much property now as they could hold when the law was enacted, Wherefore,

*Resolved*, That the judiciary committee be instructed to report a bill exempting only fifty dollars worth of property from execution.

On motion of Mr. Henley,

Said resolution was amended, so that the provisions of said resolution shall only extend to Gibson county;

Which was accepted, and the resolution as amended, was adopted.

Mr. Schoonover made the following report:

Mr. SPEAKER;

The select committee to whom was referred the petition of the Livonia Band of Musicians, praying an act of incorporation, have had that subject under consideration, and have directed me to report a bill No. 306, to incorporate the Livonia Band of Musicians;

Which was read the first and second times, (and the rules was suspended) and the bill was referred to the committee on corporations.

Mr. Burton made the following report:

Mr. SPEAKER;

The select committee to whom was referred the petition of N. G. Cromwell, and sundry other citizens of Clay county, on the subject of the defects of empanneling grand and petit juries in said county, have had that matter under consideration, and are of opinion that a bill on that subject which passed this General assembly, and has received the approval and signature of the Governor, and is now the law of the land, will fully remedy the evil complained of by the petitioners, and that further legislation on that subject is unnecessary at this time, and ask to be discharged from the further consideration thereof.

Which report was concurred in and the committee was discharged.

Mr. SPEAKER;

The committee on engrossed bills have compared the engrossed with the original bills of the House, as follows:

No. 278, for the benefit of Adam E. Rhodes;

No. 279, to authorize the erection of a mill dam across Eel river in Wabash county;

And find the same correctly engrossed.

Mr. Butler of C. made the following reports:

MR. SPEAKER;

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the House of the following title, and find the same duly enrolled, to-wit:

No. 120, an act to provide for keeper of the State *House* and Library.

MR. SPEAKER—

The joint committee on enrolled bills report that they did on this day present to His Excellency the Governor, for his approval and signature, the following entitled act, to-wit:

No. an act for the relief of Miami and other Indians.

MR. SPEAKER:

The joint committee on enrolled bill report that they have compared the enrolled with the engrossed bill of the *House* of the following title, and find the same duly enrolled, to-wit:

No. 250, an act fixing the times of holding courts in the eighth judicial circuit.

MR. SPEAKER:

The joint committee on enrolled bills report that they did on this day present to His Excellency the Governor, for his approval and signature the following entitled act to-wit:

No. 250, an act fixing the times of holding courts in the eighth judicial district.

MR. SPEAKER:

The Senate has passed engrossed bills of the *House* of Representatives, without amendment, as follows, viz:

No. 179, an act to amend an act, entitled, an act to regulate the mode of doing county business in the several counties in this state;

No. 230, an act providing for the opening and repairing public highways, in the county of Monroe;

No. 248, an act to authorize the citizens of Montgomery and Putnam counties to open a part of the New Albany and Crawfordsville turnpike road therein named;

No. 265, an act to change the time of holding probate courts in Daviess county;

No. 267, an act relative to the will of George Boon, late of Sullivan county deceased;

No. 277, an act to vacate a certain state road in Tippecanoe county;

No. 280, an act attaching Sprinklesburgh and Mount Prospect to the town of Newburgh in Warrick county, and for other purposes;

No. 282, an act providing for the location of a state road, and for other purposes;

No. 283, an act declaring certain names a misprint, in the act locating a state road from Washington to Portersville;

No. 292, an act to re-locate part of a state road therein named;

No. 296, and act to establish a state road therein named;

And also No. 293, a joint resolution relative to the judicial circuits.

On motion of Mr. Jones,

The House adjourned until to-morrow morning 9 o'clock.

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TUESDAY, FEB. 2, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Parker, a member thereof:

MR. SPEAKER:

The Senate has passed an engrossed bill thereof entitled:

No. 244, an act to fix the time of holding the court in the sixth judicial circuits;

In which the concurrence of the *House* of Representatives is respectfully requested.

Said bill No. 244, of the Senate named in the message,

Was read the first and second times, (the rules being suspended) and committed to a select committee, composed of the members of said sixth circuit.

The following message was received from the Senate by Mr. Maquire, their secretary:

MR. SPEAKER—

The Senate has passed engrossed bills of the House of Representatives, entitled,

No. 114—An act to authorize Wm. L. McKinney, a minor, to sell certain real estate therein mentioned;

No. 118—An act to amend an act entitled, “an act to incorporate the town of Indianapolis, in the county of Marion,” approved Feb. 17, 1838.

No. 125—An act to authorize the board doing county business in Spencer county to increase the number of places of holding elections in said county,

The two first named without amendment and the last with one amendment, in which the concurrence of the House of Representatives is requested.

Also engrossed bills of the Senate entitled as follows, viz:

No. 115—An act for the relief of Ann Gertrude Brick and Adam and Maurice Brick;

No. 122—An act to provide for the distribution of the school fund in Jackson county;

No. 123—An act to amend an act entitled “an act to incorporate the Delphi Insurance company, approved February 4, 1837;

No. 125—An act to amend an act incorporating congressional townships and providing for public schools therein approved Feb. 17, 1838;

In which I am directed to ask the concurrence of the house of Representatives.

The amendment to bill No. 125, was read and concurred in,

And the bill was twice read (the rules being suspended) and committed to the committee on Education.

No. 115, named in the message,

Was read the first time and passed to a second reading.

Bill No. 122, named in the message,

Was twice read (the rules being suspended) and,

Laid on the table.

No. 123, was read three times, (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

No. 125, named in the message,

Was twice read, (the rules being suspended) and committed to the committee on education.

PETITIONS WERE PRESENTED,

By Mr. Quick, the remonstrance of the citizens of Bartholomew county against the formation of Macomb county,  
Which was laid on the table.

By Mr. Newell of W., of the citizens of Jasper county, on the subject of a state road,

Which was referred to the committee on roads.

By Mr. Newell of W., of the citizens of the county of Jasper, asking to have the name of their county seat changed,

Which was referred to the committee on the judiciary.

Upon leave being granted, the following

**BILLS WERE INTRODUCED.**

By Mr. Walpole; No. 308—A bill to authorize William Patterson to sell certain lands and real estate,

Which was read three several times (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

By Mr. Woodard; No. 309—A bill to provide for running the cars on the Madison and Indianapolis Rail Road,

Which was read twice (the rules being suspended) and committed to the committee on canals and internal improvements.

By Mr. Conwell; bill No. 310—A bill to amend an act entitled "an act regulating interest of money, in the state of Indiana,

Which was read the first time and passed to a second reading on to-morrow.

Mr. Sweetser of m. made the following report:

Mr. SPEAKER—

The committee on the judiciary in obedience to a resolution of this House, have instructed me to report the following bill,

No. 311—To amend an act entitled an act subjecting real and personal estate to execution, approved Feb. 4th, 1838," so far as relates to the county of Gibson,

Which was twice read (the rules being suspended) and,

Laid on the table.

Mr. Sweetser of m. made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred a bill for the relief of Andrew Wilson, have had the same under consideration, and directed me to report the same without amendment and recommend its passage.

Said bill was then ordered to be engrossed for a third reading.

Mr. Sweetser of m. also made the following report:

MR. SPEAKER—

The committee on the judiciary to whom was referred bill No. 87 of the Senate, entitled, an act for the relief of Orson Willard, have had the same under consideration and directed me to report the same without amendment.

Bill No. 87 passed to a third reading on to-morrow.

Mr. Morgan made the following report:

MR. SPEAKER—

The committee on roads to which was referred a resolution of the House, instructing them to inquire into the expediency of amending the road law so as to define the number of hours hands shall work each day when called on to discharge their road tax, have had the same under consideration, and instructed me to report that it is inexpedient to legislate on the subject at this time.

The report was read and concurred in.

Mr. Morgan also made the following report:

MR. SPEAKER—

The committee on roads to which was referred the petition of Levi Moore and others, praying a change in the location of the state road leading from Logansport to the most convenient point on the Plymouth and Lafayette state road, on that part of it south of Tippecanoe river and the remonstrances of Jacob Shoup and others, and L. N. Bozarth and others, against granting the prayer of the petitioners; have had the same under consideration, and instructed me to report that legislation on the subject is inexpedient, and ask to be discharged from the further consideration thereof.

The report was concurred in, and the committee discharged.

Mr. Jones made the following report:

MR. SPEAKER,

The committee on canals and internal improvements to whom was referred the petition of John Kirk, praying relief, have had the same under consideration, and have directed me to report inexpedient to legislate upon the subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged accordingly.

Mr. Strattan made the following report,



MR. SPEAKER—

The committee on canals and internal improvements to whom was referred the petition of James Nance and son, have had the same under consideration and have directed me to report that in the opinion of said committee, no legislation on that subject is necessary, and therefore they ask to be discharged from the further consideration of the same. Said report was concurred in and the committee discharged.

Mr. Elkins, from the committee on corporations made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred bill of the House No. 287, entitled an act to incorporate the town of Cambridge City in Wayne county, Indiana, have according to order had the same under consideration, and instruct me to report the same back with two amendments, to which they ask the concurrence of the House of Representatives.

1st. Amend the 15th section by striking out "two years" and insert "five years."

2d. Amend the 20th section by striking out 'fifty,' and insert 'three hundred.'

Said amendments were concurred in, and said bill and amendments ordered to be engrossed and read a third time.

Mr. Shoup made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the petition of B. E. Taylor and James B. Brooks, together with sundry other citizens of Wayne county, praying for an act to incorporate the Hagerstown Canal Company, have had the same under consideration, and have requested me to report the following bill in accordance with the prayer of the petitioners, and recommend its passage.

Bill No. 312—To incorporate the Hagerstown Canal Company, Which was read the first time and passed to a second reading on tomorrow.

Mr. Runyan made the following report.

MR. SPEAKER—

The committee on corporations to whom was referred bill No. 281, to incorporate the Indianapolis Band of Musicians, have according to order had the same under consideration and have instructed me to report the same back to the House without amendment and recommend its passage.

Said bill was then ordered to be engrossed for a third reading.

Mr. Coffeen made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred a bill to incorporate the Jonesborough Bridge Company, have had the same under consideration and directed me to report the same back to the House with the following amendments and recommend its passage.

Said amendments were read and concurred in, and they and the bill named in the report ordered to be engrossed for a third reading.

Mr. Bowers made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred bill No. 100 of the Senate, entitled, a bill to amend an act to incorporate the city of New Albany, have had the same under consideration and have instructed me to report the same back to the house, and recommend its reference to the judiciary committee.

Said report was concurred in, and said bill so committed to the committee on the judiciary.

Mr. Farrington made the following report:

MR. SPEAKER—

The committee on the State Bank to whom was referred the annual reports of the State Bank and the several branches, also of the commissioners of the Sinking Fund, have had the same under consideration, and directed me to

### R E P O R T :

That they have examined and compared the said several reports in detail, and find them correct, and that the statement of the resources and liabilities of the State Bank corresponds with the same statements made by the several branches.

The committee not being aware of any further action being required of them in reference to these reports, direct me to report the same back to the House and ask to be discharged from the further consideration thereof.

Said report was read, concurred in, and the committee discharged.

Mr. Dowling made the following report:

MR. SPEAKER—

The select committee to which was referred the petition of James Perkins, and other citizens of Vigo county, in relation to Lost Creek,

and also a communication from the board of commissioners of said county, have had the same under consideration, and have directed me to report the accompanying bill:

No. 313—To amend “an act entitled an act to amend an act to provide for draining Lost Creek in Vigo county,

Which was read the first and second times (the rules being suspended) and committed to the judiciary committee.

Mr. Dowling also made the following report:

MR. SPEAKER:

The select committee to which was referred bill No. 171 of the House, entitled, “An act declaring a certain name therein a misprint, and for other purposes,” have had the same under consideration, and have directed me to report the same back to the House, with one amendment:

Add after the word “legalized,” at the end of sec. 2, the following words: “So far as that survey extends to the feeder dam in Clay county.”

The amendment was read and concurred in, when,

Mr. Burton moved that said bill be laid on the table.

Which motion did not prevail.

The question then recurred on the engrossment of said bill,

And the ayes and noes being demanded thereon by Messrs. Burton and Stanford,

*Those who voted in the affirmative were,*

Messrs. Blair, Bowers, Bradberry, Butler of Vanderburgh, Champer, Chiles, Coffeen, Cole, Coleman, Defrees, Dowling, Elkins, Farrington, Goodenow, Graham, Hamer, Harding, Harrison, Hiatt, Howe, Jenckes, Jones, Kile, Lancaster, Leslie, Mason, McCrillis, Miller, Montgomery of G., Morgan, Newell of W., North, Peck, Robbins, Russell, Walpole and Wilson—37.

*Those who voted in the negative were*

Messrs. Akin, Ball, Bowles, Brown, Burton, Byers, Carr, Casey, Chrisman, Clark of D., Clark of F., Conwell, Durbin, Henley, Houghton, Lucas, McCully, Newell of F., Quick, Rawlings, Read, Ritchey, Rippey, Rose, Rulon, Runyan, Schoonover, Shawhan, Shortridge, Shoup, Sloan, Stanford, Sweetser of G., and Woodard—34.

And so said bill was ordered to be engrossed for a third reading.

Mr. Coleman made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition from sundry citizens of Putnam county, praying an additional Justice of the Peace, and constable in Putnamville in said county, have had the same under consideration and instructed me to report the following bill:

No. 313—To provide for the election of an additional Justice of the Peace in the town of Putnamville in Putnam county;

Which was read a first time and passed to a second reading on tomorrow.

Mr. Brown made the following report:

MR. SPEAKER:

The select committee to whom was referred a petition from sundry citizens of Laporte county, have instructed me to report the following bill:

No. 314—Relative to lands returned to the school commissioners of Laporte county,

Which was read a first time and passed to a second reading on tomorrow.

Mr. Jenckes made the following report:

MR. SPEAKER:

The committee on ways and means to whom were referred the memorial of William Perdue, late collector of the state and county revenue of the county of Washington, and also his additional statement and affidavit, have had the subject to which they relate under consideration, and instructed me to report the papers back to the House with the opinion of the committee, that it is inexpedient to grant the prayer of the memorialist, and ask to be discharged from the further consideration of the same.

The report of the committee was concurred in and they discharged.

Mr. Jenckes also made the following report:

MR. SPEAKER—

The committee on ways and means, to whom were referred the petition of the Directors of the Richmond and Brookville Canal Company and also a bill exempting the stock holders of said company from the payment of a portion of their state tax, have had the same under consideration, and instructed me to offer the following

#### R E P O R T :

The Richmond and Brookville Canal is the only work of Internal Improvement within the broad borders of Indiana that the committee

have heard of, commenced and prosecuted by individual enterprise, and on this account if no other, seems entitled to the favorable consideration of the Legislature. While other works planned by the "assembled intelligence of the State," and prosecuted with her vast resources, have for the time been stopped, and their most ardent advocates abandoned to the pitiless storm of popular indignation, it is not at all surprising to the committee that the friends of the above named work should feel their ardor cooled—their enterprise deadened. The great intelligence and wealth of the citizens of that portion of the state through which the work passes, furnish in the opinion of the committee a sufficient guaranty, that the work will be prosecuted to a successful termination, and the report of the gentleman from Wayne, who introduced the bill, satisfies the committee that when completed, the stockholders in that work will reap a golden harvest. The zeal and ability manifested by the gentleman from Wayne in urging upon the house and the committee, the claims of the stockholders in that canal to a partial exemption from taxation, have had the effect to remind the committee that they also have duties to perform, and that they also are under responsibilities to their constituents, and to the people of Indiana. On entering upon the examination of this subject, the first difficulty encountered by the committee at the threshold, was the one so briefly and fairly set forth by the gentleman from Wayne in his report upon this subject, which we quote and adopt as our own opinion. It is in the following words: "One truth however arrested our attention, and that was the necessity as imperative upon states as upon individuals, of finding relief from existing enthrallment and securing success to any future enterprise, only by a prudent husbandry of their resources and applying them actively, to their rescue and support." If the stockholders in that Canal Company are more deeply enthralled than the state, the committee of ways and means most respectfully tender them their sympathy. If they are not, we call upon them in these times, which are about to try men's souls, to contribute their mite to preserve the plighted faith of Indiana. The committee can find "at this particular period of time," no reason which in their opinion, will justify them in recommending another exception to the ad valorem principle of taxation, which is now the law of the state. The memorialists in relation to this work last winter made application to be exempted from the payment of taxes for Internal Improvement purposes, if Mr. Burke, one of the representatives in the last legislature from that county, may be regarded, as having acted with their concurrence and approbation. That gentleman on the 3d of last February, as it appears from the Journal, introduced the following preamble and resolution, to-wit:

*Whereas*, It does appear that the capital stock in the Richmond and Brookville canal, is taken by individual subscription; therefore,

*Be it Resolved*, That the committee of ways and means be requested to inquire into the expediency and propriety of exempting by law the stockholders in said canal from paying tax for Internal Improve-

ment purposes, until otherwise provided by law; with leave to report by bill or otherwise."

Subsequently, to-wit: on the 5th of the same month, Mr. Jenckes, from the committee of ways and means, reported the resolution back to the House, with the opinion of the committee that it was "inexpedient to legislate thereon."

On motion of Mr. Osborn,

The report was laid upon the table.

In the afternoon of the same day, Mr. Burke moved to take from the table the report of the committee of ways and means on the subject of the Richmond and Brookville Canal, and refer it to a select committee consisting of the delegation from Wayne, Union and Franklin counties.

Which was agreed to.

On the 11th of February, Dr. Lancaster, chairman of said committee made a long, very able and interesting report, which may be found in the Journal of the House, page 769, and which shows conclusively that when completed, the Richmond and Brookville Canal will be profitable to the stockholders and beneficial to the state. The report was laid on the table and 200 copies ordered to be printed. A bill No. 322, accompanied the report, "to equalize the payment of taxes for improvement purposes, to the stockholders of the Richmond and Brookville canal; with the other citizens of the state."

The bill passed to a third reading in the House and was lost by a very close vote. Such was the action of the last House of Representatives upon this important subject. This winter the stockholders in the same company present their memorial, asking "for the remission of so much of the taxes of the stockholders as would amount to at least ten per cent. upon the stock paid in." At first sight this proposition seems identical with the one made last winter; but upon close scrutiny there appears to be a difference. The one made last winter was to exempt the stockholders from the payment of taxes for internal improvements, while this may be so construed as to exempt them from the payment of any state tax whatever. If a stockholder is charged with a state tax amounting to \$25, and he owns ten shares of the stock of \$50 each, amounting to \$500 all paid in, ten per cent on this amount, which is \$50 will be the sum that under the bill he will be entitled to receive a credit for, on his state tax. But as his tax in the supposed case, is only \$25, the amount passed to his credit will pay his state tax for two years. With these views and explanations, the committee have directed me to report back to the House "the bill exempting the stockholders of the Richmond and Brookville Canal from the payment of a portion of their state tax," and to recommend such disposition of it as the members of this honorable body may think most conducive to the general welfare.

Mr. Clark of Tippecanoe moved that said bill be indefinitely postponed.

And the ayes and noes being demanded thereon by Messrs. Lancaster and Bradbury,

*Those who voted in the affirmative were*

Messrs. Akin, Ball, Blair, Blankenship, Bowers, Bowles, Brenton, Burton, Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of D., Clark of Fountain, Clark of Tip., Cole, Conner, Conwell, Dunbar, Farrington, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Henley, Houghton, Howe, Jenckes, Kerr, Leslie, Lucas, McCrillis, McCully, Miller, North, Peck, Quick, Rawlings, Read, Ritchey, Rippey, Robbins, Ross, Rulon, Runyan, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smydth of Daviess, Stanford, Sweetser of G., Sweetser of Marion, Welch, Wilson, and Woodard—62.

*Those who voted in the negative were,*

Messrs. Atherton, Bradbury, Brown, Butler of V., Coffeen, Coleman, Defrees, Dowling, Dunn, Elkins, Hanna, Harrison, Hiatt, Jones, Kile, Lancaster, Mason, Montgomery of G., Montgomery of Warren, Morgan, Newell of Fountain, Newell of White, Rayburn, Rose, Russell, Shoup, Smith of F., Stratton, Walpole, and Mr. Speaker—30.

So said bill was indefinitely postponed.

Mr. McCully made the following report:

MR. SPEAKER:

The select committee to whom was referred a bill of the House No. 286, relative to changing the name of Benton county, have had the same under consideration, and have directed me to report the same back with one amendment, to-wit: Strike it out from the enacting clause and insert the following:

Which was read and concurred in, when,

Mr. Henley moved that the bill be laid on the table.

Which motion did not prevail.

The question being,

Shall said bill be engrossed for a third reading?

And the ayes and noes being demanded thereon by Messrs. Clark of T. and McCully,

*Those who voted in the affirmative were*

Messrs. Clark of T., and Walpole—2.

*Those who voted in the negative were*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Brown, Burton, Butler of C., Butler of V., Byers, Carr, Casey, Champer, Chrisman, Clark of D., Clark of F., Coffeen,

Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin, Farrington, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Leslie, Lucas, Mason, McCrillis, McCully, Miller, Montgomery of Gibson, Montgomery of W., Morgan, Newell of F., Newell of White, North, Peck, Quick, Rawlings, Read, Reyburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Smydth of D., Smith of F., Stratton, Sweetser of G., Sweetser of Marion, Wilson, Woodard, and Mr. Speaker—86.

And so said bill was not ordered to be engrossed.

On motion,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met and resumed its session.

Mr. Jenckes offered for adoption the following resolution:

*Resolved*, That the judiciary committee be requested to furnish this house, at as early a day as may be convenient, their opinion upon the constitutionality of the act, passed last winter, entitled, "An act for the immediate relief of contractors and others engaged on the public works," providing for the issue of Treasury Notes, &c, which act was filed in the office of the Secretary of State, on the 15th day of February, 1840, without the approval of the Governor.

Which,

On motion of Mr. Bowles,

Was laid on the table.

On motion of Mr. Farrington,

*Resolved*, That this House will, (the Senate concurring therein) proceed on to-morrow at 2 o'clock P. M. to the election of a Director on the part of the State in the State Bank, to supply the place of Calvin Fletcher, Esq., whose term of service has expired. And that the Senate be informed thereof, and their concurrence respectfully requested.

#### BILLS INTRODUCED.

By Mr. Elkins, No. 317—A bill to amend an act entitled, "an act relative to crimes and punishment, approved Feb. 10th, 1831,



Which was twice read (the rules being suspended) and ordered to engrossed for a third reading on to-morrow.

By Mr. Smith of F., bill No. 316—Concerning the debt due from the State to the State Bank,

Which was read twice, (the rules being suspended) and committed to the committee on the judiciary.

By Mr. Schoonover, a joint resolution, No. 315—In relation to the revised code of 1838, and subsequent general statutes,

Which was twice read, (the rules being suspended) and committed to the judiciary committee.

The House then proceeded to the

#### ORDERS OF THE DAY.

No. 93 of the Senate—To regulate the times of holding circuit courts within the second judicial circuit of the State of Indiana,

No. 234—A bill authorizing a survey of a canal from Peru to the head of Salt River, and the Erie and Michigan canal;

No. 289—A bill attaching certain territories therein named to Jasper county,

No. 298—A bill to amend an act entitled an act concerning enclosures and trespassing animals, approved Feb. 17, 1838:

No. 290—A bill to locate a state road therein named,

No. 123—A bill of the Senate to amend an act entitled an act to incorporate the Delphi Insurance company, approved February 4, 1837;

Which were severally read the third time and passed.

Ordered that the Senate be informed thereof.

Mr. Shanks made the following report:

MR. SPEAKER;

The committee on engrossed bills have compared the engrossed with the original bills of the *House*, as follows:

No. 234, authorizing the survey of a canal from Peru to the head of Salt River, and the Erie and Michigan canal;

No. 290, to locate a state road therein named.

No. 298, to amend an act entitled, an act concerning enclosures, and trespassing animals, approved Feb. 17, 1838;

No. 300, to classify the public works;

No. 289, attaching certain territory therein named to Jasper county;

A find the same correctly engrossed.

Mr. Butler of C. made the following report:

MR. SPEAKER;

The joint committee on enrolled bills report that they have compar-

ed the enrolled with the engrossed bills of the House of the following titles, and find the same duly enrolled, to-wit:

No. 292, an act to relocate part of a state road therein named;

No. 280, an act to declare certain names misprints, in the act concerning the state road from Washington to Portersville;

No. 265, an act to change the time of holding probate courts in Daviess county;

No. 267, an act relative to the will of George Boon, late of Sullivan county deceased;

No. 236, an act providing for the opening and repairing public roads and highways in the county of Monroe;

No. 232, an act providing for the location of a state road, and for other purposes;

No. 230, an act attaching Sprinklesburgh and Mount Prospect to the town of Newburgh in Warrick county;

No. 125, on act to authorize the board doing county business in Spencer county, to increase the number of places of holding elections in said county;

No. 248, an act to authorize the citizens of Montgomery and Putnam counties, to open a part of the New Albany and Crawfordsville turnpike road therein named;

No. 114, an act to authorize William L. M'Kinney, a minor to sell certain real estate therein named;

No. 198, an act to amend an act entitled an act to incorporate the town of Indianapolis, in the county of Marion, approved February 19, 1840;

No. 277, an act to vacate a certain state road in Tippecanoe county;

No. 296, an act to establish a state road therein named.

Mr. Byers made the following report:

MR. SPEAKER;

The committee on enrolled bills, report that they have compared the enrolled with the engrossed bill of the Senate, and find the same truly enrolled, to-wit:

No. 103, an act to authorize the Recorder of Cass county, to correct his records in a certain case therein mentioned.

No. 300, a bill to classify the public works;

Was read a third time; when

Mr. Judah moved to recommit with the following instructions, viz:

"To insert the improvement at the rapids of the Wabash river, in the first class, with proper provisions for the application of the appropriations heretofore made thereupon."

Mr. Champer moved to amend the instruction as follows: "Strike out all that part of the bill which relates to the appropriation of one hundred thousand dollars in rail road iron;"

And before any decision was had thereon,

Mr. Sweetser of M. moved a division of the question, (on committing.)

And the ayes and noes being demanded by Messrs. Judah and Champer;

*Those who voted in the affirmative were*

Messrs. Akin, Blair, Blankenship, Bowles, Burton, Butler of Cass, Butler of V. Byers, Carr, Casey, Champer, Chiles, Clark of Fountain, Coleman, Conner, Conwell, Defrees, Dowling, Dunbar, Durbin, Farrington, Foote, Freeman, Graham, Hamer, Hanna, Harrah, Harrison, Henley, Houghton, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, M'Crillis, M'Cully, Miller, Montgomery of G. Montgomery of W. Newell of F. Read, Rayburn, Rippey, Runyan, Russell, Schonover, Shanks, Sloan, Smydth of D. Sweetser of G. Wilson and Mr. Speaker—54.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Bowers, Bradbury, Brenton, Brown, Chrisman, Clark of Dearborn, Clark of T. Coffeen, Cole, Dunn, Elkins, Goodenow, Harding, Hiatt, Howe, Lucas, Mason, Morgan, Newell of W. North, Peck, Quack, Rawlings, Ritchey, Robbins, Rose, Ross, Saylor, Shawhan, Shortridge, Shoup, Smith of Fayette, Stanford, Stratton, Sweetser of M., Walpole, Welch and Woodard—41

So the House agreed to commit said bill, No. 300.

The question then recurred upon Mr. Champer's amendment,

And the ayes and noes being demanded by Messrs. Judah and Champer;

*Those who voted in the affirmative were*

Messrs. Akin, Brenton, Brown, Butler of Vanderburgh, Carr, Casey, Champer, Conner, Foote, Freeman, Graham, Hamer, Houghton, Jones, Kerr, Leslie, M'Crillis, M'Cully, Miller, Montgomery of Gibson, Schonover, Sloan, and Smydth of D.—23.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Burton, Butler of Cass, Byers, Chiles, Chrisman, Clark of Dearborn, Clark of Fountain, Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Kile, Lucas, Mason, Montgomery of Warren, Morgan, Newell of Fountain, Newell of White, North, Peck, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton,

Sweetser of Grant, Sweetser of Marion, Walpole, Welch, Wilson, Woodard and Mr. Speaker—68.

So the amendment of Mr. Champer was not adopted.

Mr. Read moved to amend the instructions of Mr. Judah as follows:

That part of the Jeffersonville and Crawfordsville McAdamized road that lies between Jeffersonville and Salem be placed in the first class.

And the ayes and noes being demanded thereon by Messrs. Judah and Blair,

*Those who voted in the affirmative were*

Messrs. Blankenship, Byers, Carr, Champer, Chiles, Conner, Dunn, Dunbar, Freeman, Hamer, Harrah, Henley, Houghton, Leslie, Miller, Rawlings, Read, Ritchey, Robbins, Schoonover, Shanks, Smydth of Daviess—22.

*Those who voted in the negative were*

Messrs. Akin, Atherton, Ball, Blair, Bowers, Bowles, Bradbury, Brenton, Brown, Butler of Cass, Butler of Vanderburgh, Casey, Chrisman, Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Durbin, Elkins, Foote, Goodenow, Graham, Hanna, Harding, Harrison, Howe, Jenckes, Jones, Kerr, Kile, Lucas, Mason, McCrillis, McCully, Montgomery of Gibson, Montgomery of W., Morgan, Newell of F. Newell of W., North, Peck, Quick, Rayburn, Rippey, Rose, Ross, Rulon, Runyan, Russell, Saylor, Shawhan, Shortridge, Shoup, Sloan, Smith of F., Stanford, Stratton, Sweetser of Grant, Sweetser of Marion, Walpole, Welch, Wilson. Woodard and Mr. Speaker—69.

So the amendment proposed by Mr. Read was not adopted.

Mr. Clark of T. moved further to amend the instructions of Mr. Judah, as follows:

“Such expenditure upon the Rapids of the Wabash river shall be made from the proceeds of the suspended debt, and shall be sufficient effectually and permanently to improve the navigation of that part of the Wabash river.”

Which amendment was not adopted.

Mr. Brenton moved the following amendment to the instructions:

“No money shall be expended upon the improvement of the Wabash river, until the state of Illinois shall be ready to expend any equal sum, in pursuance of the compact between this state and Illinois,

And the ayes and noes being demanded thereon by Messrs. Judah and Brenton,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Burton, Byers, Carr, Champer, Chiles, Clark of D., Clark of F., Coleman, Conner, Conwell, Defrees, Dunn, Dunbar, Durbin, Elkins, Freeman, Goodenow, Graham, Hamer, Harding, Harrah, Henley, Houghton, Howe, Jones, Leslie, Lucas, Miller, Newell of W., Peck, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rose, Rulon, Runyan, Saylor, Schoonover, Shanks, Shawhan, Shoup, Sloan, Smydth of D., Stanford, Stratton, Sweetser of Grant, Walpole, and Welch—59.

*Those who voted in the negative were*

Messrs. Akin, Brown, Butler of Cass, Butler of Vanderburgh, Casey, Clark of T., Coffeen, Cole, Dowling, Farrington, Foote, Hanna, Harrison, Hiatt, Jenckes, Kerr, Kile, Mason, McCrillis, McCully, Montgomery of Gibson, Montgomery of Warren, Newell of F., North, Quick, Russell, Shortridge, Smith of F., Sweetser of Marion, Wilson, Woodard and Mr. Speaker—32.

So said amendment was adopted.

Mr. Hanna moved further to amend the instructions by inserting the following:

“By applying the first moneys received from that portion of the Wabash and Erie Canal lands, which are to be received to aid in the construction of said canal below the mouth of the Tippecanoe river.”

Which was not adopted.

Mr. Graham moved the following additional instructions:

“Add the road from Vincennes to New Albany to the first class.”

Which was not agreed to.

Mr. Defrees moved the following additional instructions, viz:

To place the White Water canal from Brookville to the National road, the Madison and Indianapolis Rail Road from Vernon to Edinburg, the New-Albany and Vincennes turnpike road from Paoli to Vincennes, (except the metalling and bridges over two of the branches of White river) in the first class. The Michigan and Erie canal, the northern division of the Central canal, the Cross-Cut canal, and the Rail Road from Edinburgh to Indianapolis in the second class. The southern division of the Central canal, the road from Jeffersonville via New-Albany to Crawfordsville, the road from Indianapolis to Lafayette the bridges over the two branches of White river, and the metalling upon the New-Albany and Vincennes road, the White Water canal from the National road to the mouth of Nettle creek, and the connection between the White Water canal and the Central canal, shall constitute the third class.

And before any decision was had thereon,

The House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY FEBRUARY 3d, 1841.

The House met pursuant to adjournment.

Mr. Walpole made the following report:

MR. SPEAKER—

The committee of free conference to whom was referred the disagreeing votes of the two houses upon bill No. 25, entitled an engrossed bill to amend an act entitled an act subjecting real and personal estate to execution, approved Feb. 4th, 1831. The said committee report that the committee recommend the Senate to concur in the amendment of the House of Representatives,

The Speaker laid before the House two several communications from Jesse L. Williams, Principal Engineer, responsive to certain resolutions of the House,

Which were read and laid upon the table.

The following message was received from the Senate by Mr. Eggleston a member thereof.

MR. SPEAKER—

The Senate have directed me to inform the House that they have passed an engrossed bill of the Senate entitled, bill No 62, to suspend operations on the public works on account of the state until they shall be classed, and to authorize individuals to advance means to prosecute them.

Said bill No. 62, named in the message,

Was read the first and second times, (the rules being suspended,) when,

Mr. Dunn moved the following amendment:

“Strike the bill out from the enacting clause and insert the following:

A bill to provide for a continuation of the construction of a part of the system of Internal Improvements.

Sec. 1. Be it enacted by the General Assembly of the state of Indiana, that the sum of one hundred and fifty thousand dollars, part of the suspended debt due the state for sale of state bonds heretofore sold, be and the same is hereby appropriated to the White water canal to be expended in the construction of said canal between Brookville and Connersville, under the direction of the board of Internal Improvement, Provided, the said board shall so expend the same, as to make one continued line of said canal from Brookville, so as to extend the

navigation of said canal as far as possible towards the said town of Connersville.

Sec. 2. The further sum of one hundred thousand dollars worth of rail road iron, out of the suspended debt aforesaid is hereby appropriated, to the Madison and Indianapolis rail road, to be expended under the direction of the board of Internal Improvement, in the construction of the said road between Vernon and Edinburgh.

Sec. 3. The further sum of fifty thousand dollars out of the suspended debt aforesaid is hereby appropriated to the Wabash river to be expended by the board of Internal Improvement, in the improvement of the rapids in said river below Vincennes, and it is hereby made the duty of the Governor of this state, to request the Governor of Illinois, to communicate this fact to the Legislature of that state, with a view of obtaining a similar amount to be expended on said rapids.

Mr. Bowles moved to amend the amendment of Mr. Dunn as follows:

“Provided no moneys shall be expended on either of the works, until the interest is paid on the public debt for 1841, and the out standing treasury notes redeemed.”

Mr. Conner moved to commit the bill to a select committee with the following instructions:

“To amend the bill by placing the White water canal in the first class, but suspending operations on said first class for one year, and also providing for securing and collecting the suspended debt, and the application of the proceeds to the payment of interest on the state debt, and the treasury notes now issued.”

Mr. Leslie moved to lay the amendments to said bill, together with the motion to commit with instructions on the table.

And the ayes and noes being demanded thereon by Messrs. Bowles and Leslie;

*Those who voted in the affirmative were*

Messrs. Akin, Brown, Burton, Butler of V. Byers, Carr, Champer, Conner, Dunbar, Durbin, Foote, Freeman, Hamer, Henley, Houghton, Howe, Jones, Kerr, Leslie, M'Cully, M'Crillis, Miller, Montgomery of G. Read, Rulon. Schoonover, Sloan and Smydth of D.—28.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Butler of C. Casey, Chiles, Chrisman, Clark of D. Clark of Fountain, Clark of Tip. Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Graham, Hanna, Harding, Harrah, Harrison, Hiatt, Jenckes, Kile, Lancaster, Lucas, Mason, M'Coy, Montgomery of Warren, Morgan, Newell of F. Newell of W. North, Peck, Quick, Rawlings. Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Runyan, Russell, Saylor, Shawhan,

Shortridge, Shoup, Smith of F. Stanford, Stratton, Sweetser of M. Sweetser of G., Walpole, Welch, Wilson, Woodard and Mr. Speaker—68.

So said amendments and instructions were not laid on the table.

Mr. Durbin moved a division of the question (on committing)

And the ayes and noes being demanded thereon by Messrs. Conner and Carr;

*Those who voted in the affirmative were,*

Messrs. Conner, Kerr, and Leslie—3.

*Those who voted in the negative were*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradberry, Brenton, Brown, Burton, Butler of Cass, Butler of Vanderburgh, Byers, Carr, Champer, Chiles, Chrisman, Clark of D., Clark of F., Clark of Tip., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin, Elkins, Farrington, Foote, Freeman, Goode-now, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kile, Lancaster, Lucas, Mason, McCoy, McCully, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of White, North, Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shawhan, Shortridge, Shoup, Sloan, Smydth of D., Smith of F., Stanford, Sweetser of G., Sweetser of M., Walpole Welch, Wilson, Woodard and Mr. Speaker—89.

So the House refused to commit said bill as proposed by Mr. Conner.

The question then recurred on Mr. Bowles' amendment.

And the ayes and noes being demanded thereon by Messrs. Bowles and Saylor,

*Those who voted in the affirmative were*

Messrs. Akin, Bowles, Burton, Butler of Vanderburgh, Byers, Carr, Champer, Chrisman, Clark of Fountain, Clark of Tip., Cole, Conner, Dunbar, Durbin, Foote, Freeman, Graham, Hamer, Henley, Houghton, Jones, Kerr, Leslie, McCrillis, McCully, Miller, Montgomery of G., Montgomery of Warren, Newell of White, North, Rawlings, Read, Rulon, Saylor, Schoonover, Shanks, Shortridge, Sloan, Smydth of D., Walpole and Wilson—41.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Butler of Cass, Chiles, Clark of Dearborn, Coffeen,



Coleman, Conwell, Defrees, Dowling, Dunn, Eikins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Kile, Lancaster, Lucas, Mason, McCoy, Morgan, Newell of Fountain, Peck, Quick, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shoup, Smith of Fayette, Stanford, Stratton, Sweetser of Grant, Sweetser of Marion, Welch, Woodard and Mr. Speaker—54.

So said amendment was not adopted.

Mr. Brenton moved to amend the amendment of Mr. Dunn as follows:

“But no money shall be expended upon the improvement of the Wabash river until the State of Illinois shall be ready to expend an equal sum in pursuance of the compact between this state and Illinois.”

Which amendment was adopted.

Mr. Smith of F. moved further to amend the amendment of Mr. Dunn by adding the following additional sections, viz:

It shall hereafter be lawful for any individual, company or corporation to take up and finish any unfinished portion of the public works in this state, and when the same are finished they shall be placed under the control and direction of the board of Internal Improvements, and the tolls received upon the same after paying repairs and expenses, shall be divided between the state and said individuals, companies or corporations in proportion to the amount severally expended by each on the same.

Sec. Whenever any individuals, companies or corporations shall desire to prosecute any portion of the unfinished works, they shall be at liberty to proceed to let out such contracts on the same as they may desire, under the direction of the board of Internal Improvements and enjoy the use and profit of such portions as they may so finish, provided that the state shall have the right to take such work so finished at any time after ten years, by paying the individuals or companies who shall have finished the same the amount of their expenditures on the same, with six per cent. interest.

Which amendment was accepted by Mr. Dunn.

Mr. Coleman moved further to amend the amendment of Mr. Dunn:

Insert in the proper place: “Which may constitute a continuous line.”

Which was also accepted by Mr. Dunn.

Mr. Champer moved to amend the amendment of Mr. Dunn by adding to the 2d section thereof the following proviso:

“Provided, that the amount now due to contractors on the Madison and Indianapolis rail road shall be paid out of the last appropriation of \$400,000 made to that road.”

And the ayes and noes being demanded thereon by Messrs. Champer and Carr,

*Those who voted in the affirmative were,*

Messrs. Akin, Ball, Bowles, Brown, Butler of V., Byers, Carr, Champer, Clark of F., Conner, Dunbar, Foote, Freeman, Graham, Hamer, Houghton, Jones, Kerr, Kile, Leslie, McCrillis, McCully, Miller, Montgomery of G., Read, Rulon, Saylor, Schoonover, Shanks, Sloan, Smydth of D., and Walpole—32.

*Those who voted in the negative were,*

Messrs. Atherton, Blair, Blankenship, Bowers, Bradbury, Brenton, Burton, Butler of C., Chiles, Clark, of D., Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Goodenow, Hanna, Harding, Harrison, Harrah, Hiatt, Howe, Jenckes, Lancaster, Lucas, Mason, McCoy, Montgomery of Warren, Morgan, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Rayburn, Kitchey, Rippey, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of F., Standford, Stratton, Sweetser of G., Sweetser of Marion, Welch, Wilson, Woodard, and Mr. Speaker—61.

So the amendment was not adopted.

Mr. Smydth of D. moved the following amendment:

“Amend the bill by inserting a section to provide that that part of the Vincennes road between Paoli and Mount Pleasant shall be placed in the first class.”

And the ayes and noes being demanded thereon by Messrs. Bowles and Smydth of D.,

*Those who voted in the affirmative were,*

Messrs. Akin, Bowles, Burton, Butler of V., Byers, Carr, Clark of F., Conner, Dowling, Dunbar, Foote, Freeman, Graham, Hamer, Hanna, Henley, Houghton, Jenckes, Kerr, Leslie, McCrillis, McCulley, Miller, Read, Schoonover, Shanks, Sloan, Smydth of D., Stratton, and Mr. Speaker—30.

*Those who voted in the negative were,*

Messrs. Atherton, Blair, Ball, Blankenship, Bowers, Bradberry, Brenton, Brown, Butler of C., Chiles, Chrisman, Clark of D., Clark of Tip, Coffeen, Cole, Coleman, Conwell, Defrees, Dunn, Durbin, Elkins, Farrington, Goodenow, Harding, Harrah, Harrison, Hiatt,

Howe, Jenckes, Kile, Lancaster, Lucas, Mason, McCoy, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of White, North, Peck, Quick, Rawlings, Reyburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Shawhan, Shortridge, Shoup, Stanford, Sweetser of G., Sweetser of M., Walpole, Welch, Wilson and Woodard—63.

So the House refused to adopt said amendment.

Mr. Read moved to add the following amendment:

“And that the sum necessary to complete the bridge over Silver creek on that part of the Jeffersonville and Crawfordsville road, lying between Jeffersonville and New Albany.”

And the ayes and noes being demanded thereon by Messrs. Henley and Burton;

*Those who voted in the affirmative were,*

Messrs Akin, Bowles, Brenton, Burton, Byers, Carr, Chrisman, Clark of F. Conner, Dunbar, Foote, Freeman, Graham, Hamer, Harrison, Henley, Hiatt, Howe, Jenckes, Jones, Kerr, Leslie, M'Cully, Miller, Montgomery of G. Rawlings, Read, Rulon, Schoonover, Shanks, Smydth of D. and Wilson—29.

*Those who voted in the negative were,*

Messrs Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Butler of V. Butler of C. Chiles, Clark of D. Clark of Tip. Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Hiatt, Howe, Jenckes, Jones, Kile, Lucas, Mason, M'Crillis, Montgomery of Warren, Morgan, Newell of F. Newell of White, North, Peck, Quick, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Runyan, Russell, Saylor, Shawhan, Shortridge, Shoup, Sloan, Smith of F. Stanford, Stratton, Sweetser of M. Sweetser of G. Walpole, Welch, Woodard and Mr. Speaker—63.

So said amendment was not adopted.

Mr. Graham moved to amend by placing the southern division of the Central canal in the first class,

And the ayes and noes being demanded thereon by Messrs Champer and Smydth of D.

*Those who voted in the affirmative were*

Messrs. Bowles, Burton, Butler V., Byers, Carr, Champer, Dowling, Foote, Freeman, Graham, Hamer, Henley, Houghton, Kerr, Leslie, M'Crillis, M'Cully, Miller, Montgomery of G. Newell, of F. Read, Sloan and Smydth of D.—23.

*Those who voted in the negative were*

Messrs Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Butler of c., Chiles, Chrisman, Clark of D. Clark of F. Clark of Tip. Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Dunbar, Durbin, Elkins, Farrington, Goodenow, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Jones, Kile, Lancaster, Lucas, Mason, M'Coy, Montgomery of Warren, Morgan, Newell of W. North, Peck, Quick, Rawlings, Rayburn, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Shanks, Shawhan, Shortridge, Shoup, Smith of F. Stanford, Stratton, Sweetser of G. Sweetser, of m. Walpole, Welch, Wilson, Woodard and Mr. Speaker—72.

So said amendment was not adopted.

Mr. Blankenship moved the following amendment:

“To appropriate eighteen thousand dollars of the suspended debt, for the completion of that portion of the Central canal, from Indianapolis south to the feeder dam on White river.”

Mr. Bowles moved the previous question;

Which was not seconded.

Mr. Smydth of D. moved that the *House* do now adjourn until 2 o'clock P. M.

And the question being put, will the *House* now adjourn,

It was decided in the negative.

The question then recurred on the adoption of the amendment of Mr. Blankenship,

And the ayes and noes being demanded thereon by Messrs. Bowles and Henley;

*Those who voted in the affirmative were,*

Messrs. Akin, Blankenship, Bowles, Burton, Butler of V., Byers, Champer, Clark of F., Dowling, Foote, Freeman, Graham, Hamer, Houghton, Kerr, Leslie, McCully, Miller, Read, and Smyth of Daviess—20.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bradberry, Brenton, Brown, Butler of C., Carr, Chiles, Chrisman, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Dunbar, Durbin, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Henley, Hiatt, Howe, Jenckes, Jones Kile, Lucas, Mason, McCoy, McCrillis, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of White, North, Peck, Quick, Rawlings, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Saylor, Shanks, Shawhan, Shortridge, Shoup, Sloan, Smith of F., Standford,

Stratton, Sweetser of G., Sweetser of M., Walpole, Welch, Wilson, Woodard and Mr. Speaker—72.

So the House refused to adopt the proposed amendment.

Mr. Freeman moved that the house adjourn until 2 o'clock, P. M., And he and Mr. Champer demanded the ayes and noes thereon,

*Those who voted in the affirmative were,*

Messrs. Akin, Blankenship, Bowles, Byers, Champer, Chrisman, Clark of F., Conner, Dunbar, Foote, Freeman, Graham, Henley, Jones, Kerr, Leslie, Miller, Read, Rulon, Shanks, Sloan, Smydth of D., and Sweetser of G.—23.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Brenton, Brown, Burton, Butler of C., Butler of V., Carr, Chiles, Clark of D., Clark of T. Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Kile, Lucas, Mason, McCoy, McCrillis, McCully, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Reyburn, Ritchey, Rippey, Robbins, Rose, Ross, Runyan, Russell, Saylor, Shawhan, Shortridge, Shoup, Smith of F., Standford, Stratton, Sweetser of M., Walpole, Welch, Wilson, Woodard and Mr. Speaker—70.

And so the House refused to adjourn.

Mr. Henley offered the following amendment:

It shall be the duty of the fund commissioner or other agent of state having charge of the suspended debt, to apply the proceeds or any part thereof which may fall into their hands, first to the redemption of the Treasury Notes, authorized to be issued by an act entitled an "act for the immediate relief of contractors and others engaged on the public works," filed in the office of the Secretary on the 15th day of February, 1840, in conformity with the provisions of the 5th section of said act, and if necessary to protect the honor and credit of the State, they shall in like manner apply any of the remaining proceeds of said suspended debt to the payment of the interest on the state debt.

Mr. Smith of F. moved that the amendment of Mr. Henley be laid on the table.

And the ayes and noes being demanded thereon by Messrs. Bowles and Butler of V.,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury,

Brenton, Butler of C., Chiles, Clark of D., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Kile, Lucas, Mason, McCoy, Newell of F., North, Peck, Quick, Rawlings, Reyburn, Ritchey, Rippey, Robbins, Rose, Ross, Runyan, Russell, Saylor, Shawhan, Shortridge, Smith of Fayette, Stanford, Stratton, Sweetser of Grant, Sweetser of Marion, Walpole, Welch, Wilson, Woodard, and Mr. Speaker—57.

*Those who voted in the negative were*

Messrs. Akin, Bowles, Brown, Burton, Butler of V., Byers, Carr, Champer, Chrisman, Clark of F., Clark of Tip., Conner, Dunbar, Durbin, Foote, Freeman, Graham, Hamer, Henley, Houghton, Jones, Kerr, Leslie, McCrillis, McCully, Miller, Montgomery of Gibson, Montgomery of W., Newell of White, Read, Schoonover, Shanks, Sloan, and Smydth of D.—34.

So said amendment was laid on the table.

Mr. Wilson moved to amend "by appropriating twenty-six thousand dollars of the suspended debt for finishing the grading of the Turnpike road between Crawfordsville and Lafayette."

Which amendment did not prevail.

Mr. Champer moved the following additional amendment:

"Provided that the \$100,000 hereby appropriated in Iron to the Madison road shall include both the cost and freight on said iron."

Which was not adopted; when,

Mr. Champer moved that the house adjourn until 2 o'clock.

Which did not prevail.

Mr. Jones moved that the house do now adjourn until 2 o'clock, P. M.

Which did not prevail.

Mr. Jones moved to commit the bill and amendments to a select committee with the following instructions:

To strike out the bill from the enacting clause and substitute the amendment of the gentleman from Dearborn, amended so as to provide for but one of the works named therein; also to provide for the sustaining the true intent of the 5th section of an act entitled an act for the relief of contractors and others engaged on the public works.

Pending which,

On motion of Mr. Jones,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House resumed its session.

The following message was received from the Senate by Mr. Maquire their Secretary.

MR. SPEAKER—

The Senate has concurred in the report of the joint committee of free conference to which was committed the subject matter of disagreement between the two houses, in relation to the first amendment of the house to bill No. 25 of the Senate entitled "an act subjecting real and personal estate to execution," approved Feb. 4. 1831.

The Senate has reciprocated the resolution of the House of Representatives, providing for proceeding to-day at 2 o'clock, P. M. to the election of a director on the part of the State in the State Bank, to fill the vacancy of Calvin Fletcher, Esq.

MR. SPEAKER—

The Senate has concurred in the amendment of the house to the amendment of the Senate to bill No. 100 of the House of Representatives.

The House then proceeded, with closed doors, to the election of a director of the State Bank of Indiana, to fill the vacancy of Calvin Fletcher whose term of service has expired—Messrs. Farrington and Dunn, acting as tellers.

On counting the first separate ballot it appeared that

Calvin Fletcher received	.	.	.	.	.	.	32	votes.
W. T. T. Jones	"	.	.	.	.	.	32	"
J. L. Jernegan,	"	.	.	.	.	.	11	"
W. Quarles,	"	.	.	.	.	.	8	"
Scattering,	"	.	.	.	.	.	9	"

No person having received a majority of the whole number of votes given, the House proceeded to a second separate balloting.

On counting the votes it appeared that

Calvin Fletcher received	.	.	.	.	.	29 votes.
W. T. T. Jones	"	.	.	.	.	42 "
J. L. Jernegan	"	.	.	.	.	12 "
W. Quarles	"	.	.	.	.	4 "
Scattering	"	.	.	.	.	7 "

No person having received a majority of the whole number of votes given, the House proceeded to a third separate balloting, when it appeared that

W. T. T. Jones received	.	.	.	.	.	55 votes.
Calvin Fletcher	"	.	.	.	.	27 "
J. L. Jernegan,	"	.	.	.	.	7 "
Scattering	"	.	.	.	.	4 "

W. T. T. Jones having received a majority of all the votes given was declared by the Speaker duly elected on the part of the House.

Ordered that the Senate be informed of the result of said election.

The following message was received from the Senate by Mr. Maguire its Secretary:

Mr. SPEAKER,

I am directed by the Senate to deliver to the House of Representatives the following sealed message in relation to the election of a Director of the State Bank of Indiana.

The said message was in the following words, to-wit:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that at an election held in the Senate in pursuance of a resolution of both Houses of the General Assembly, for the purpose of electing a Director of the State Bank of Indiana, to fill the vacancy, occasioned by the expiration of the term of service of Calvin Fletcher Esq., with closed doors, on the first ballot, Calvin Fletcher having received a majority of the votes given in the Senate, was declared duly elected on the part of the Senate.

Attest

D. MAGUIRE, Sec. Senate.

There being a disagreement between the elections of the two Houses, the House proceeded to a second separate vote for director of the state bank of Indiana, to fill the vacancy of Calvin Fletcher,

When upon counting the first ballot, on said separate vote it appeared that

W. T. T. Jones	received	-	-	42	votes.
Calvin Fletcher	"	-	-	29	"
J. L. Jernigan,	"	-	-	12	"
Scattering	"	-	-	11	"



W. T. T. Jones having received a majority of the whole number of votes given,

Was declared duly elected on part of the House of Representatives;  
Ordered that the clerk inform the Senate of the result of said election.

The following message was received from the Senate by Mr. Maguire, its secretary:

MR. SPEAKER:

I am directed by the Senate to deliver to the House of Representatives the following sealed message relative to the election of a director of the state bank of Indian:

The said message was in the words following, to-wit:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that at the second trial for the purpose of electing a director of the state bank of Indiana in place of Calvin Fletcher, whose term of service has expired, with closed doors, Nathan B. Palmer, having received a majority of all the votes given, was declared duly elected on the part of the Senate, to serve as such for the term of four years, from and after this day.

There still being a disagreement between the elections of the two Houses, the House proceeded to a third separate vote for director of the state bank of Indiana, to fill the vacancy of Calvin Fletcher;

On counting the first ballot on said third separate vote it appeared that,

W. T. T. Jones received	-	-	-	-	68 votes.
Calvin Fletcher,	-	-	-	-	10 "
N. B. Palmer,	-	-	-	-	14 "
Scattering,	-	-	-	-	5 "

W. T. T. Jones having received a majority of the whole number of votes given, was declared by the Speaker duly elected on the part of the House of Representatives;

Ordered that the clerk inform the Senate of the result of said election;

The following message was received from the Senate by Mr. Maguire their secretary.

MR. SPEAKER;

I am directed by the Senate to inform the House of Representatives, that the following sealed message in relation to the election of a director of the state bank.

The said message was in the words following, to-wit:

MR. SPEAKER;

I am directed to inform the House of Representatives, that at the third separate vote in the Senate for a director on the part of the state of the state bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of Calvin Fletcher Esq., Nathan B. Palmer, having received a majority of all the votes given, was declared duly elected on the part of the Senate, to serve as such bank director for the term of four years from and after this time.

Attest

D. MAGUIRE, Sec. Senate.

There having been three several separate ballotings by each branch of the General Assembly, and there still being a disagreement between the two Houses.

On motion of Mr. Graham,

*Resolved*, That the Senate be invited to attend instanter in the *Hall* of the *House* of Representatives, to conclude the balloting for a director on the part of the state, in the state bank of Indiana, to fill the vacancy occasioned by the expiration of the term of service of Calvin Fletcher Esq.

Whereupon Messrs. Farrington and Dunn were appointed tellers on the part of the House.

Ordered that the Senate be informed of the adoption of this resolution.

Whereupon the Senate then came into the *Hall* of the *House* of Representatives, and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker.

When both Houses, by joint ballot in convention, proceeded to the election of a director on the part of the state, of the state bank of Indiana, to fill the vacancy of Calvin Fletcher Esq. whose term of service had expired.

When on counting the first ballot it appeared that

W. T. T. Jones received	-	-	-	-	87	votes.
N. B. Palmer,	"	-	-	-	36	"
C. Fletcher,	"	-	-	-	13	"
Scattering,	"	-	-	-	3	"

W. T. T. Jones having received a majority of all the votes given, was by the President of the Senate, in presence of both Houses of the General Assembly, declared duly elected director on the part of the state, of the state bank of Indiana, to serve as such for the term of four years from and after this date.

The convention then adjourned;

The Senate retired to their chamber.

Mr. Shanks made the following report:

MR. SPEAKER;

The committee on engrossed bills have compared the engrossed with the original bills of the *House*, as follows:

- No. 171, declaring acertain name a misprint, and for other purposes;
  - No. 275, for the relief of Andrew Wilson;
  - No. 281, to incorporate the Indianapolis Band of Musicians;
  - No. 287, to incorporate the town of Cambridge city, in *Wayne* county;
  - No. 288, to incorporate the Jonesborough bridge company;
  - No. 317, to amend an act, entitled an act relative to crime and punishment, approved Feb. 10, 1831;
- And find the same correctly engrossed.

Mr. Byers made the following report:

MR. SPEAKER;

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills of the *Senate*, and find them correctly enrolled, as follows to-wit:

- No. 124, an act concerning a state road in *Tippecanoe* county;
- No. 132, an act to incorporate the *Putnam* Band of Music;
- No. 108, an act to relocate a part of a state road therein named;
- No. 133, an act to amend an act entitled, an act to allow further time to the *Lawrenceburgh* and *Indianapolis* rail road company, to settle up and close their affairs, approved Feb. 13, 1840;
- No. 85, an act to change a state road therein named;
- No. 139—An act for the relief of certificate holders to certain school lands in *Monroe* county;
- No. 91—An act to incorporate the *Orleans* Band;
- No. 58—An act to authorize *John Brown* to invest certain money in *Bank* stock for the use of heirs;
- No. 82—An act to authorize *Enos Blair*, former collector of *Monroe* county, yet to collect any taxes remaining due and unpaid in said county for the years 1836-7, and 1838, for which he was collector.
- No. 84—An act for the relief of *Henry Good* of the county of *Boon*;
- No. 88—An engrossed joint resolution of the *General Assembly* of the *State of Indiana*, on the subject of *Mr. Benton's* bill to establish a permanent prospective pre-emption system in favor of settlers on the public lands who shall inhabit and cultivate the same, and raise a log-cabin thereon.
- No. 86—An act to authorize the *Seminary Trustees* of *Randolph* county to borrow money and for other purposes.
- No. 113—An act to amend an act attaching *Decatur* county to the sixth judicial circuit, and for other purposes, approved February 13, 1840;

No. 119—An engrossed joint resolution on the subject of the State Bank of Indiana;

Mr. Butler of C. made the following report:

Mr. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills and joint resolutions of the House of the following titles, and find the same duly enrolled, to-wit:

No. 269—An act relative to the Shelbyville independent rifle company;

No. 179—An act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state;

No. 149—An act to enable the Treasury to meet the current demands for the civil list for 1841, growing out of the deficit of 1840;

No. 214—Joint resolution on the subject of the National Road;

No. 213—An act to establish permanent corners to the streets, alleys and lots in the town of Corydon;

No. 119—An act regulating the salaries of Auditor, Secretary and Treasurer of State;

No. 212—An act to vacate Spring street in the town of Covington in Fountain county;

No. 218—An act repealing the 8th section of an act incorporating the Leesburg School Society, approved Feb. 24th, 1840;

No. 236—An act amendatory to an act locating a state road;

No. 82—An act defining the duties of petitioners for relocating seats of justice, and for other purposes;

No. 243—An act repealing an act regulating the jurisdiction of justices of the peace in Madison county, approved February 17th, 1838;

No. 278—An act for the benefit of Adam E. Rhodes;

No. 103—An act to provide for the revision of the laws;

No. 257—An act for the relief of George D. Moore of Randolph county;

No. 182—An act to confirm to Enoch D. John and Cornelius G. W. Comegys certain water power therein named;

No. 224—An act to amend an act entitled an act to provide for the election of an additional justice of the peace and constable for Morgan township in the county of Harrison;

No. 226—An act to amend an act for the relief of the poor, approved February 17th, 1838, so far as relates to Marion county;

No. 229—Joint resolution for the benefit of St. Joseph county;

No. 293—A joint resolution relative to the judicial circuits;

No. 155—An act for the relocation of the seat of justice in Blackford county;

No. 270—An act legalizing the time of holding courts in the county of Madison, in the eleventh judicial circuit;

No. 254—An act for an additional term of the circuit court in Delaware county;

No. 130—An act to extend the benefit of an act entitled an act to incorporate the Marion Fire Engine Company, approved January 20th, 1838;

No. 220—An act to change the name of the town of Milford in Warren county;

No. 206—An act to amend an act to incorporate the Liverpool Bridge Company;

No. 252—An act changing the time of holding courts in the third judicial circuit;

No. 230—An act to legalize the election of Probate Judge in Kosciusko county;

On motion,

The House adjourned until to-morrow morning 9 o'clock.

THURSDAY, FEBRUARY 4th, 1841.

The House met pursuant to adjournment.

The following message was received from the Governor by Mr. Moore his private Secretary: Also a communication from the Governor on the subject of an act for the relief of the Miami and other Indians,

Which was read and referred to a select committee of Messrs. Hanna, Sweetser of m. and Farrington.

The House then resumed the consideration of the motion of Mr. Jones to commit bill No. 62 of the Senate, and the amendments thereto, to a select committee, which motion was pending when the house adjourned on yesterday.

Mr. Sweetser of Marion moved a division of the question, viz: on committing.

And the ayes and noes being demanded thereon by Messrs. Smydth of D. and Bowles,

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Butler of Cass, Butler of Vanderburgh, Chiles, Clark of Dearborn, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Foote, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Kerr, Kile, Lancaster, Lucas, Mason, McCoy, Montgomery of Warren, Morgan, Newell of F. Newell of W., North, Peck, Quick, Rawlings, Rayburn, Ritchey, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton, Sweetser of Marion, Welch, Woodard and Mr. Speaker—61.

*Those who voted in the negative were*

Messrs. Bowles, Byers, Carr, Casey, Champer, Clark of Fountain, Dunbar, Durbin, Freeman, Graham, Hamer, Henley, Houghton, Howe, Jones, Leslie, McCrillis, McCully, Miller, Montgomery of Gibson, Read, Rippey, Rulon, Saylor, Schoonover, Shanks, Sloan, Smydth of Daviess, Walpole, and Wilson.—30.

So the House agreed to commit the bill and amendments to a select committee.

Mr. Champer moved to amend the instructions of Mr. Jones as follows:

“And that that work shall be suspended for one year.”

Mr. Smith of Fayette moved to lay Mr. Jones' instructions and the amendment of Mr. Champer on the table,

And the ayes and noes being demanded thereon by Messrs. Bowles and Jones,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Butler of Cass, Chiles, Clark of Dearborn, Clark of Tip., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Lancaster, Lucas, Mason, McCoy, Montgomery of Warren, Morgan, Newell of Fountain, Newell of White, North, Peck, Quick, Rawlings, Rayburn, Ritchey, Robbins, Rose, Ross, Runyan, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Strattan, Sweetser of G., Sweetser of Marion, Terrell, Welch, Wilson, Woodard and Mr. Speaker—58.

*Those who voted in the negative were*

Messrs. Akin, Bowles, Burton, Butler of Vanderburgh, Byers,

Carr, Casey, Champer, Clark of Fountain, Conner, Dunbar, Durbin, Foote, Freeman, Graham, Hamer, Henley, Houghton, Howe, Jones, Kerr, Kile, Leslie, McCrillis, McCully, Miller, Montgomery of Gibson, Read, Rippey, Rulon, Russell, Saylor, Schoonover, Sloan, Smydth of D., and Walpole—36.

So the instructions offered by Mr. Jones, and the pending amendment thereto offered by Mr. Champer,  
Were laid on the table.

Mr. Jones moved that the committee be instructed to report the original bill (of the Senate) back to the house without any amendment.

Mr. Walpole moved to postpone the consideration of Mr. Jones' instructions until Wednesday next.

When, On motion of Mr. Henley,

Mr. Walpole's motion to postpone, was laid on the table.

The question then recurred on the adoption of the instructions of Mr. Jones,

And the ayes and noes being demanded thereon by Messrs. Byers and Carr,

*Those who voted in the affirmative were*

Messrs. Akin, Bowles, Brown, Butler of V., Byers, Carr, Casey, Champer, Chrisman, Clark of Fountain, Conner, Dunbar, Durbin, Foote, Freeman, Graham, Hamer, Henley, Houghton, Jones, Kerr, Kile, Leslie, McCrillis, McCully, Miller, Montgomery of G., Rawlings, Read, Rippey, Rulon, Saylor, Schoonover, Shanks, Sloan, Smydth of Daviess, and Walpole—37.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Burton, Butler of Cass, Chiles, Clark of D., Clark of Tip., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrab, Harrison, Hiatt, Howe, Lancaster, Lucas, McCoy, Montgomery of Warren, Morgan, Newell of Fountain, Newell of White, North, Peck, Quick, Rayburn, Ritchey, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of Marion, Terrell, Welch, Wilson, Woodard, and Mr. Speaker—58.

So said instructions were not adopted.

Mr. Conner moved the following instructions:

"To provide that the works be prosecuted from the unexpended balance received for internal improvement purposes."

And the ayes and noes being demanded by Messrs. Conner and McCrillis,

*Those who voted in the affirmative were,*

Messrs. Akin, Bowles, Brown, Butler of Vanderburgh, Byers, Carr, Casey, Champer, Chiles, Chrisman, Clark of F., Coleman, Conner, Dunbar, Durbin, Foote, Freeman, Graham, Hamer, Henley, Houghton, Jones, Kerr, Kile, Leslie, McCoy, McCrillis, McCully, Miller, Montgomery of Gibson, Read, Rippey, Rulon, Saylor, Schoonover, Shanks, Sloan, Smydth of D., and Walpole—38.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradberry, Brenton, Butler of Cass, Clark of D., Cole, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Lancaster, Mason, Montgomery of W., Morgan, Newell of F., Newell of White, North, Peck, Quick, Rayburn, Ritchey, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Sweetser of G., Sweetser of M., Terrell, Welch, Woodard and Mr. Speaker—51.

So the instructions moved by Mr. Conner were not adopted.

Mr. McCoy moved the following instructions:

To provide that no contracts shall be made for the clearing of the Wabash Rapids or for the further prosecution of the work on the White Water canal until the Treasury Notes shall have been redeemed, and until a sufficient amount of the suspended debt shall have been realized at its par value to meet the appropriations provided for in this bill.

Provided further, that nothing in this provision shall be so construed as to prevent the appropriation of the one hundred thousand dollars worth of rail road iron for the Madison and Indianapolis Rail Road.

And the ayes and noes being demanded thereon by Messrs. McCoy and Henley,

*Those who voted in the affirmative were*

Messrs. Blankenship, Bowles, Brenton, Burton, Butler of Vanderburgh, Byers, Carr, Casey, Champer, Chrisman, Conner, Dunbar, Foote, Graham, Hamer, Henley, Houghton, Howe, Jones, Kerr, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of Gibson, Rawlings, Read, Rippey, Robbins, Rulon, Saylor, Schoonover, Shanks, Sloan, Smydth of D., Sweetser of Grant, and Walpole—38.



*Those who voted in the negative were*

Messrs. Akin, Atherton, Ball, Blair, Bowers, Bradbury, Brown, Butler of Cass, Chiles, Clark of Dearborn, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Freeman, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Kile, Lancaster, Leslie, Mason, Montgomery of Warren, Morgan, Newell of Fountain, Newell of White, North, Peck, Quick, Rayburn, Ritchey, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of Fayette, Stanford, Stratton, Sweetser of Marion, Terrell, Welch, Woodard and Mr. Speaker—53.

So said instructions were not adopted.

Mr. Bowles moved the following instructions:

That no lettings shall be made on the works in the first class, until the money shall be obtained by the fund commissioners or agent of the state."

And the ayes and noes being demanded thereon by Messrs. Bowles and Carr,

*Those who voted in the affirmative were*

Messrs. Akin, Bowles, Brenton, Brown, Butler, Byers, Carr, Casey Champer, Chrisman, Conner, Dunbar, Durbin, Foote, Graham, Hamer, Henley, Howe, Jones, Kerr, Kile, Leslie, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of Gibson, Montgomery of Warren, Rawlings, Read, Rippey, Rulon, Saylor, Schoonover, Shanks, Sloan, Smydth of D., Sweetser of Grant, and Walpole,—40.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bradbury, Butler, Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Lancaster, Mason, Morgan, Newell of F., Newell of W., North, Peck, Quick, Rayburn, Ritchey, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton, Sweetser of Marion, Terrell, Welch, Wilson, Woodard and Mr. Speaker—50.

So said instructions were not adopted.

Mr. Brown moved to instruct as follows:

To amend by placing all the public works in the first class, and there to remain for twelve months, and recommend the improvements on the Michigan road to the favorable consideration of this House.

And the ayes and noes being demanded thereon by Messrs. Brown and Saylor,

*Those who voted in the affirmative were,*

Messrs. Akin, Blair, Bowers, Bowles, Brown, Butler of V., Byers, Carr, Casey, Chrisman, Clark of F., Conner, Dunbar, Durbin, Foote, Freeman, Graham, Hamer, Henley, Kerr, Kile, Leslie, McCoy, McCrillis, McCully, Miller, Rawlings, Read, Rulon, Saylor, Schoonover, Shanks, and Smydth of D.—33.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blankenship, Bradberry, Brenton, Burton, Butler of C., Champer, Chiles, Clark of D., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jones, Lancaster, Mason, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of White, North, Peck, Quick, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Sloan, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of Marion, Terrell, Walpole, Welch, Wilson, Woodard, and Mr. Speaker—60.

So said instructions were not adopted.

Mr. Rippey moved the following instructions:

To incorporate the Madison and Indianapolis Rail Road, the northern division of the Central canal, and the Erie and Michigan canal in the first class.

And the ayes and noes being demanded thereon by Messrs. Rippey and Sweetser of G.,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Brenton, Casey, Chiles, Chrisman, Defrees, Durbin, Freeman, Graham, Hamer, Henley, Houghton, Howe, Kerr, Leslie, M'Crillis, M'Cully, Read, Rippey, Robbins, Rulon, Runyan, Sweetser of G. and Walpole—26.

*Those who voted in the negative were*

Messrs. Akin, Blair, Blankenship, Bowers, Bowles, Bradbury, Brown, Burton, Butler of c., Butler of V. Byers, Carr, Champer, Clark of D. Clark of F. Coffeen, Cole, Coleman, Conner, Conwell, Dowling, Dunn, Dunbar, Elkins, Farrington, Foote, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Jones, Kile, Lancaster, Mason, Montgomery of G. Montgomery of Warren, Morgan, Newell of F. Newell of White, North, Peck, Quick, Rawlings, Rayburn, Ritchey, Rose,

Ross, Russell, Saylor, Shawhan, Shortridge, Shoup, Sloan, Smydth of D. Smith of F. Stanford, Stratton, Sweetser of m., Terrell, Welch, Wilson, Woodard and Mr. Speaker—64.

And so said instructions were not adopted.

Mr. Leslie moved the following instructions:

To strike from the enacting clause, and amend so that the forty-four counties by whose unanimous vote at the session of 1836, the system of Internal Improvements was created, be constituted a body politic and corporate by the name and style of the Indiana Internal Improvement counties, with all the powers usually granted to incorporations, and also to transfer to the corporation the state debt incurred by the system, with all and singular, the public works of the state, with all the honor, profit and glory of them together, with all the trade of the state in iron, canal boats, soap and candle factories, Florida lands, alligators and fund commissioners; with full power to raise a revenue within their corporate jurisdiction, to support the same system.

Mr. Bowles moved to except Orange county,

Which was accepted by Mr. Leslie as a modification of his own instructions.

Mr. Durbin moved to lay the instructions of Mr. Leslie on the table.

Which prevailed.

Mr. Rayburn moved that the House adjourn;

Which motion did not prevail.

Mr. Jones moved the following instructions:

To add a section to whatever bill the committee may report, repealing so much of a joint resolution on the subject of locating the northern end of the Central canal as relates to the location of any part or portion of a public work, connecting the Muncietown feeder with the White water canal.

Mr. Sweetser of m. moved to lay said instructions on the table,

And the ayes and noes being demanded thereon by Messrs. Jones and Champer;

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Butler of c., Chiles, Chrisman, Clark of D. Clark of F. Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Freeman, Goodenow, Harding, Harrah, Harrison, Hiatt, Kile, Lancaster, Leslie, Lucas, Mason, M<sup>c</sup>-Coy, Montgomery of W. Morgan, Newell of F. Newell of White, North, Quick, Rawlings, Robbins, Rose, Ross, Rulon, Runyan, Russell, Shanks, Shanwhan, Shortridge, Shoup, Smith of F. Stanford, Stratton, Sweetser of G. Sweetser of m. Terrell Walpole, Welch, Wilson, Woodard and Mr. Speaker—64.

*Those who voted in the negative were,*

Messrs. Akin, Bowles, Brown, Butler of V. Byers, Carr, Casey, Champer, Dunbar, Graham, Hamer, Hanna, Henley, Houghton, Howe, Jones, Kerr, M'Crillis, M'Cully, Montgomery of G. Read, Ritchey, Rippey, Saylor, Sloan and Smydth of D.—26.

So said instructions were laid on the table.

Br. Butler of V. moved the following instructions:

To inquire whether the bill violates the pledge gived in the 5th section of the treasury note act of last session, and if so, so to amend said bill as may render it consistent with the pledged faith of the state.

Mr. Sweetser of m. moved to lay Mr. Butler's instructions on the table.

Mr. Henley moved that the House do now proceed to the orders of the day,

And the ayes and noes being demanded thereon by Messrs. Henley and Bowles;

*Those who voted in the affirmative were,*

Messrs. Akin, Blair, Blankenship, Bowles, Burton, Butler of V., Byers, Carr, Casey, Champer, Chrisman, Clark, of D., Clark of F., Clark of T., Conner, Durbin, Dunbar, Foote, Freeman, Graham, Hamer, Henley, Houghton, Jones, Kerr, Kile, Lucas, McCrillis, McCully, Miller, Montgomery of G., North, Rawlings, Read, Rippey, Rulon, Russell, Saylor, Shanks, Sloan, Smydth of D., Smith of F., Sweetser of Grant, Sweetser of Marion, Welch, Wilson, and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Bowers, Bradbury, Brenton, Brown, Butler of C., Chiles, Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Lancaster, Mason, McCoy, Montgomery of Warren, Morgan, Newell of F., Newell of W., Peck, Quick, Rayburn, Kitchey, Robbins, Rose, Ross, Runyan, Shawhan, Shortridge, Shoup, Standford, Stratton, Terrell, Walpole and Woodard—47.

So the House refused to take up the orders of the day.

The question then recurred on the motion of Mr. Sweetser to lay the motion of Mr. Butler on the table.

And the ayes and noes being demanded thereon by Messrs. Champer and Butler of V.,

*Those who voted in the affirmative were,*

Messrs. Atherton, Blair, Ball, Bowers, Bradberry, Brenton, Butler C., Chiles, Clark of D., Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Hiatt, Lancaster, Mason, Montgomery of Warren, Morgan, Newell of F., Newell of White, North, Peck, Quick, Rayburn, Ritchey, Robbins, Rose, Ross, Runyan, Russell, Shanks, Shawhan, Shortridge, Shoup, Smith of Fayette, Standford, Strattan, Sweetser of M, Terrell, Welch, Woodard and Mr. Speaker—49.

*Those who voted in the negative were,*

Messrs. Akin, Blankenship, Bowles, Brown, Burton, Butler of V. Byers, Carr, Casey, Champer, Chrisman, Clark of F., Clark of Tip., Coffeen, Cole, Conner, Dunbar, Durbin, Foote, Freeman, Graham, Hamer, Harrison, Henley, Houghton, Howe, Kerr, Kile, Leslie, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of G., Read, Rippey, Rulon, Saylor, Sloan, Smydth of Daviess, Sweetser of Grant, Walpole and Wilson—44.

And so said instructions were laid on the table.

The House having determined to commit said bill No. 62 of the Senate to a select committee, the Speaker announced to the house the appointment of the following named gentlemen to compose said committee, viz:

Messrs. Defrees, Farrington, Mason, Smydth of D., and Sweetser of Marion.

On motion of Mr. Smith of F.,

The House proceeded to the consideration of the

#### ORDERS OF THE DAY.

No. 300—A bill to classify the public works,

Was taken up, when,

Mr. Clark of Tippecanoe moved to lay the instructions to said bill on the table,

And the ayes and noes being demanded thereon by Messrs. Defrees and Clark of Tip.,

*Those who voted in the affirmative were,*

Messrs. Atherton, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Brown, Butler of C., Byers, Chiles, Chrisman, Clark of D.,

Clark of F., Clark of T. Coffeen, Cole, Coleman, Conner, Conwell, Dunn, Dunbar, Durbin, Elkins, Farrington, Freeman, Goodenow, Graham, Hanna, *Harding*, Harrah, Harrison, Hiatt, Jones, Kile, Lucas. McCoy, McCrillis, *McCully*, *Montgomery* of W., *Morgan*, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Robbins, Rose, Ross, Russell, Shanks, Shawhan, Shortridge, Shoup, Sloan, Stratton, Sweetser of G., Sweetser of M., Welch, Wilson, and Woodard—66.

*Those who voted in the negative were,*

*Messrs.* Ball, Burton, Butler of V., Carr, Casey, Defrees, Dowling, Foote, Hamer, Houghton, Howe, Kerr, Leslie, Mason, *Miller*, *Montgomery* of G., Rippey, Rulon, Runyan, Smydth of D., Terrell, Walpole, and Mr. Speaker—23.

So said instructions were laid on the table,

Mr. Durbin moved to instruct the committee as follows:

It shall be the duty of the Fund Commissioner to make sale of such of the state securities, taken to secure the eastern debt due the State of Indiana, known as the suspended debt, if the same can be disposed of without detriment to the interest of the state, and in the exercise of the discretion hereby vested in him (the fund commissioner) he shall in all cases make sale of said securities if he shall deem it uncertain whether the same will bear a better price at any future time, and the proceeds of said sale shall be kept and held as a fund,

1st, For the payment of the interest on the public debt of the state;

2d, So much, and no more, as may be necessary for the redemption of outstanding Treasury Notes;

3d, So much, and no more, as may be necessary for the completion of the Madison and Indianapolis Rail Road, from Vernon to Edinburgh;

4th, So much and no more, as may be necessary for the completion of the White Water canal, from Brookville to Laurel feeder dam;

5th, The remainder, if any, to be at the disposal of future legislation.

Which instructions,

On motion of Mr. Shawhan,

Were laid on the table.

Mr. *Montgomery* of G. moved the following instructions:

“The White Water canal, the Cross-Cut canal, the New-Albany and Vincennes road, shall constitute the first class.

The *Madison* Rail Road, the southern division of the *Central* canal, and northern division of the same, shall constitute the second class.

And all the other public works shall constitute the third class; and as there is no money on hand to prosecute said works at present, the further operations on the same is hereby suspended till the next meet-

ing of the General Assembly, except so much as may be necessary to preserve from waste and dilapidation, such parts of the public works as are partly completed.

Provided nothing herein contained shall be construed to prevent the appropriation of one hundred thousand dollars worth of rail road iron to the Madison and Indianapolis rail road, if the same can be obtained out of the suspended debt the present year.

Which amendment was not adopted.

Bill No. 300 was then committed to the same select committee to which bill No. 62 of the Senate had been committed.

No. 87—A bill for the relief of Orson Willard,

Was read the third time and passed.

Ordered that the Senate be informed thereof.

Mr. Kile moved that the committee of the whole house be discharged from the consideration of bill

No. 219—To provide for a state road therein named,

Which motion prevailed.

And said bill was placed on the files of the house, read a third time and passed.

Ordered that the Senate be informed thereof.

No. 171—An engrossed bill declaring a certain name therein a misprint and for other purposes, was,

On motion of Mr. Henley,

Referred to the committee on roads.

On motion,

The House adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

The House resumed its session.

No. 275—A bill for the relief of Andrew Wilson;

No. 281—A bill to incorporate the Indianapolis band of musicians;

No. 287—A bill to incorporate the town of Cambridge City, Wayne county, Indiana;

No. 288—A bill to incorporate the Jonesborough Bridge company;

No. 317—A bill to amend an act entitled an act relative to crimes and punishments, approved Feb. 10, 1831;

Which were severally read the third time and passed.

Ordered that the Senate be informed thereof.

On motion of Mr. Sweetser of M.,

The rules of business were suspended, to give an opportunity for standing committees to make reports.

Upon which,

Mr. Atherton made the following report:

MR. SPEAKER—

The committee on elections to whom was referred the certificate of Ransom W. Akin, have according to order had the same under consideration, and have directed me to report said Ransom W. Akin duly elected representative of the state of Indiana for Sullivan county vice George Boon, deceased.

Mr. Sweetser of M. made the following report,

MR. SPEAKER—

The committee on the judiciary to whom was referred bill of this house No. 313, entitled, a bill to amend an act entitled an act to amend an act to provide for draining Lost Creek in Vigo county, have had the same under consideration and directed me to report the same without amendment.

Said bill No. 313 was read a third time and passed.

Ordered that the Senate be informed thereof.

Mr. Sweetser of M. also made the following report:

MR. SPEAKER;

The committee on the judiciary to whom was referred a joint resolution in relation to the revised code of 1838, and subsequent general statutes, have had the same under consideration, and directed me to report that no further distribution of the revised code of 1838 can be made, and have a sufficient number left in the library, and to effect a further distribution of the subsequent laws, a larger number must be printed; as the committee entertain the hope that a revision of the laws will at an early period be made, they deem the passage of the joint resolution at this time inexpedient, and recommend that it be indefinitely postponed.

Said report was concurred in and said bill indefinitely postponed.

Mr. Sweetser of M. also made the following additional report:

MR. SPEAKER:

The committee on the judiciary to whom was referred bill of the Senate No. 101, entitled a bill to amend an act entitled an act to incorporate the city of New Albany, and to repeal all laws now in force incorporating the town of New Albany,, approved Feb. 14, 1839,



have had the same under consideration, and directed me to report the same with one amendment, to-wit:

After the word execution in the 5th line of the 6th section, insert the words "or by executors and administrators."

Said amendment was concurred in and the bill considered as engrossed;

Read a third time and passed.

Ordered that the Senate be informed thereof.

Mr. Howe made the following report:

Mr. SPEAKER;

The committee on the judiciary, to which was referred the resolution of the House No. instructing them to inquire into the expediency of amending the act regulating the practice in suits at law, so far as it relates to the amendment of pleadings in causes appealed from the judgment of justices of the peace; and also of amending the act relating to the partition of real estate; also whether the last proviso of the second section of the statute of descents, does not require amendment, have instructed me to report the following bills:

No. 318, a bill to amend an act entitled, an act regulating descents, distribution and dower, approved Feb. 17, 1838;

No. 319, a bill to amend an act entitled, an act regulating the practice in suits at law, approved Jan. 29th 1831;

No. 320, a bill to amend an act to provide for the partition of real estate, approved Feb. 1, 1831;

Were severally read the first time and passed to a second reading on to-morrow.

Mr. Clark of T. made the following report:

Mr. SPEAKER;

The committee on education to whom was referred bill of the *House* No. 273, to provide for a better regulation of the Indiana University, have considered the same and have proposed sundry amendments thereto, in which I am instructed to ask the concurrence of the *House*.

The amendments of the committee to bill No. 273;

Were severally read and concurred in;

When said bill and amendments were laid on the table.

Mr. Montgomery of *W.* made the following report:

MR. SPEAKER:

The committee on education to whom was referred a bill of *Senate* No. 125, to amend an act incorporating congressional townships, and providing for public schools therein, approved Feb. 17, 1838, have had

the same under consideration, and directed me to report the same back to the *House*, and recommend its indefinite postponement.

The *House* refused to concur in the report of the committee, When it was read a third time, and passed.

Ordered that the *Senate* be informed thereof.

Mr. Durbin made the following report:

MR. SPEAKER:

The committee on education to whom was referred bill No. 83, of the *Senate*; to amend an act entitled an act incorporating congressional townships, and providing for public schools therein, approved Feb. 17, 1838, have had the same under consideration, and directed me to report that legislation on that subject is inexpedient, and ask to be discharged from the further consideration thereof.

The committee was discharged;

And the bill No. 83, was laid upon the table.

Mr. Harrah made the following report:

MR. SPEAKER:

The committee on military affairs to whom was referred a joint resolution No. 245, relative to the public arms, have had the same under consideration, and instructed me to report the same back to the *House*, with the opinion of the committee, that it is inexpedient to legislate on the subject at this time, and ask to be discharged from the further consideration thereof.

The committee was discharged; and,

On motion of Mr. Sweetser of M.,

The joint resolution named in the report, was amended by striking out the second resolve or clause thereof; when,

On motion of Mr. Stanford,

The joint resolution was indefinitely postponed.

Mr. Sweetser of G. made the following report:

MR. SPEAKER:

The committee on claims to whom was referred a resolution of the *House*, instructing them to ascertain the amount of expenses incident to the last illness and burial of Hugh Barnes deceased, Sergeant-at-Arms elect to this *House*, and provide for the payment of the same in the specific appropriation bill, have according to order had the same under consideration, and have ascertained that the expenses referred to in said resolution, amount to seventy-five dollars and seven cents, as shown by the account of A. Pope, herewith presented to the *House*, the committee have therefore directed me to report the accompanying resolution:

*Resolved*, That the committee of ways and means, allow A. Pope,

in the specific appropriation bill, seventy-five dollars and seven cents, expenses incurred by him, and attendant upon the last illness and burial of Hugh Barnes, deceased, late Sergeant-at-Arms of this House.

The report and resolution were read; and,

On motion of Mr. Kile the resolution was amended by striking out the sum of thirty five dollars as charged for medical attendance; when,

On motion of Hanna,

Said resolution & amendment were recommitted to the committee of ways and means, with instructions to provide for the payment of funeral expenses.

Mr. Sweetser of G. made the following report:

Mr. SPEAKER;

The committee on claims to whom was referred the petition of Nathaniel Head, showing that on a settlement of the estate of George Knox deceased, in the probate court of Rush county, there was a balance in the hands of the administrators of said decedent after the payment of all his debts of \$1037 18, which sum for the want of known heirs was on the fifth day of January 1832 deposited in the Treasury of State, and that on the said Nathaniel Head afterwards on the fifth day of January 1839, in right of his niece Sally Head, niece to the said decedent drew from the said Treasury of State, the said sum of money, and praying the passage of an act allowing him interest on said sum from the time deposited in the treasury until the sum was withdrawn therefrom—have according to order had the same under consideration, and have instructed me to

### R E P O R T :

That on an examination of the law on that subject, the committee find that on settlement of estates in the probate court without unknown heirs, the residue of such estates after the payment of all debts and claims against the same, is to be deposited in the State Treasury, for the benefit of the legal heirs of the decedent, who may subsequently appear and claim the same, and makes no provision for the payment of interest or the loaning out such money. The Treasurer is required to pay any such sums deposited with him, to the person or persons proving himself or themselves entitled thereto, forthwith on such proof and demand, and your committee conceive it would not be proper to require the state to be accountable for the interest. The Treasury is made the place of deposit, and the state is held responsible under all circumstances for the payment of the amount without receiving any benefit therefrom. The committee are therefore of opinion that the prayer of the petitioner ought not to be granted, and ask to be discharged from the further consideration of the same.

The report was concurred in, and the committee discharged.  
Mr. Morgan made the following report:

MR. SPEAKER;

The committee on roads to which was referred the petition of A. Simpson, and other citizens of Knox county, praying for a change in the road laws, have had the same under consideration, and instructed me to report that in the opinion of the committee, it is very questionable whether under any circumstances it would be proper to increase the tax for road purposes to the extent asked for by the petitioners but under existing circumstances when a heavy pressure is upon the people, and they are called on to pay a tax for state purposes, at least equal to their ability it is certainly inexpedient to increase their taxes for road purposes, at least to the extent demanded by the petition, they therefore ask to be discharged from the further consideration of the subject.

The report was concurred in and the committee discharged.

Mr. Jones made the following report:

MR. SPEAKER;

The committee on canals and Internal Improvements to whom was referred bill of the House, No. 241, entitled a bill to authorize the citizens of Clay county, to drain the Round Pond, have had the same under consideration, and find it to be rather of a general nature, as will be found by taking a peep at the ninth section, by some unfortunate circumstance (accidental no doubt) an appropriation has found its way into that ninth section, of two hundred and fifty dollars to be paid out of the state treasury, to aid a local company to carry on a local work, by making a local appropriation of the sum named. The committee are not disposed to classify the Round Pond, by a locality so interesting, nor to take it into the first class, under the specious caption of a local bill, the committee has directed me to report the bill back to the House with a small and unimportant amendment, not at all changing the local features of the local bill, by striking out the ninth local section of said bill.

The report of the committee was concurred in, and  
Said section struck out, and the bill considered as engrossed;  
Read a third time and passed.

Ordered that the Senate be informed thereof.

Mr. Shortridge made the following report:

MR. SPEAKER:

The committee on corporations to whom was referred bill No. 295,

of the House, to amend an act entitled an act to incorporate the city of Richmond in Wayne county, approved Feb. 24, 1840, have had the same under consideration according to order, and have made one amendment thereto, and have directed me to report the same back, and ask the concurrence of the *House*.

The amendment of the committee was concurred in,

And said bill ordered to be engrossed for a third reading.

Mr. Graham from the committee on corporations made the following report;

MR. SPEAKER;

The committee on corporations to whom was referred bill of the *House* No. 306, to incorporate the Livonia Band of Musicians, have had the same under consideration, and have directed me to report the same back without amendment, and recommend its passage.

Said bill was then passed to a third reading.

Mr. Bowers made the following report:

MR. SPEAKER;

The committee on corporations to whom was referred bill No. 294, entitled an act to incorporate the Preachers Aid Society, have had the same under consideration, and have instructed me to report the same back to the *House* with three additional sections, and recommend the adoption of the same, and the passage of the bill.

The amendments of the committee were concurred in.

Mr. Mason moved to amend the bill by limiting the amount of personal property held by the society to fifty thousand dollars.

Mr. Sweetser of m. move to amend the amendment by striking out \$50,000, and insert 400,000;

Which was adopted.

When the amendment as amended was adopted,

Mr. Butler of V. moved to amend as follows:

Strike out 'two thirds' and insert a 'majority;'

Which was agreed to.

Mr. Ball moved to amend, so as that the said corporation shall never charge more than six per cent. upon any loans.

Mr. Shawhan moved to strike out 'six per cent.' and insert 'legal interest;'

Which motion prevailed.

When the said amendment as amended was adopted,

Said bill was then ordered to be engrossed for a third reading.

Mr. Elkins made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred bill of the House No. 299, entitled an act to amend an act to incorporate the town of Jeffersonville, approved Feb. 22, 1840, have had the same under consideration, and instructed me to report the same back without amendment, and ask the concurrence of the *H*ouse of Representatives.

Said bill was then recommitted to the committee on the judiciary.

Mr. Farrington made the following report:

MR. SPEAKER—

This committee on the State Bank to whom was referred the communication of J. H. Hendrick and other citizens of Rush county, in reference to authorizing the State Bank of Indiana to issue small notes, having had the same under consideration, have directed me to report that inasmuch as provision has been made by the action of the House upon this subject, further legislation is unnecessary, and therefore they ask to be discharged from the further consideration of the same.

The report was concurred in and the committee discharged.

Mr. Champer made the following report.

MR. SPEAKER—

The committee on Federal Relations to whom was referred the report and joint resolutions of the General Assembly of the State of Alabama, responsive to the resolutions of the legislature of the State of South Carolina in relation to the Georgia and Maine controversy, have carefully examined that subject and directed me to make the following

#### R E P O R T :

They have had occasion during the present session to examine a controversy between the states of New-York and Virginia, involving the same principles involved in this question. They beg leave here to refer to that report, which it is believed will fully express their views in regard to the present difficulty. They however will remark that they view it clearly the right of any one of the states to define what shall be a crime or felony within its jurisdiction, and if any such crime is committed within her borders by a person who shall flee into another state, the state whose laws are violated has the right to pursue such offender, and if legally demanded the state in which he is found is constitutionally bound to surrender him. Your committee therefore recommend a concurrence in, and the adoption of the following joint resolutions;

No. 321—Joint resolutions of the General Assembly of Indiana.

The following communication was received from the Governor by Mr. Moore, his private Secretary:

EXECUTIVE DEPARTMENT, }  
FEBRUARY 3, 1841. }

*To the Senate and House of Representatives:*

I have this day approved and signed "An act for the relief of the Miami and other Indians," which originated in the House of Representatives. The object of the act is evidently to protect the Indians from the oppression of their creditors, and omitting the 5th section, it is well calculated to secure the result.

This section is as follows:

"Sec. 5. No white man or negro shall hereafter have the benefit of any of the legal remedies for the collection of debts hereafter contracted by any Indian within the limits of the State of Indiana; and all contracts hereafter made with Indians shall be null and void."

Another section extends the provisions of the act to "all persons of Indian descent who are recognized as members of any tribe residing in the State of Indiana down to those having one-eighth Indian blood."

An important inquiry arises as to what will be the effect of the above recited 5th section, and how far it will operate in their favor as a measure of relief.

Many of the Indians of this state are engaged in trade and commerce, and have extensive dealings with our citizens in the course of their business, alike beneficial to both parties. A number of them are engaged with our people in civilized pursuits. This law, by rendering all their contracts void, would cut them off from these pursuits and force them back to the employments of savage life without the prospect of ever being able to regain their former position during the continuance of this provision among our laws.

It has now become the settled policy of the General Government to remove the Indians to the country west of the Mississippi, and as those remaining in the state are likely to dispose of their lands before long, it is most probable that their removal will follow soon afterwards. Members of the different tribes have become possessed in their individual right of valuable tracts of land under reservations contained in various treaties. This 5th section would render it impossible for them to dispose of these lands or their other property to citizens of our state in case the General Government should determine upon their removal.

A great many of the Indians have, at certain seasons of the year, to rely on supplies of grain and provisions purchased of the whites on credit to be paid for when they receive their annuities from the General Government. The foregoing section would certainly prevent them, to a great extent, from procuring such supplies, and most frequently place them in danger of starvation. It would, at least drive away the honest dealer and leave them to the tender mercies of that class of traders who rely not on the justice of their claims, but on their

influence and management at treaties and Indian payments, to obtain money from the Indian.

Having no constitutional objections to interpose, and being willing to endanger the remaining provisions, which I regard as sound and wholesome, I did not deem it proper to return the act to the House in which it originated, and under ordinary circumstances I should have let the matter pass without notice. But as this is a subject deeply affecting a class of people who are not represented in our Legislature, I deem it but an act of justice to them to recall your attention to the 5th section, respectfully requesting you to review the ground of relief proposed in that section, so that we may not inadvertently do a great injury to the Indians when we were intending to confer a benefit on them.

All which is respectfully submitted,  
SAM. BIGGER.

The following message was received from the Governor by Mr. Moore, his private secretary:

*Mr. SPEAKER,*

I am directed by the Governor to inform the House of Representatives that on Monday last, February 2d, he approved and signed,

An act fixing the times of holding courts in the eighth judicial circuit;

And that on Tuesday he approved and signed,

An act to provide for keeper of the State House and Library;

And that on yesterday he approved and signed,

An act to authorize William L. McKinney, a minor, to sell real estate therein named;

An act to amend an act entitled "an act to incorporate the town of Indianapolis, in the county of Marion," approved February 17, 1840;

An act to authorize the board doing county business in Spencer county to increase the number of places of holding elections in said county;

An act providing for the opening and repairing public roads and highways in the county of Monroe;

An act to change the time of holding Probate Courts in Daviess county;

An act to authorize the citizens of Montgomery and Putnam counties to open a part of the New-Albany and Crawfordsville Turnpike Road therein named;

An act relative to the will of George Boon, late of Sullivan county, deceased;

An act to vacate a certain state road in Tippecanoe county:

An act attaching Sprinklesburgh and Mt. Prospect to the town of Newburgh in Warrick county; and for other purposes;

An act to relocate part of a state road therein named:



An act to declare certain names misprints in the act concerning the state road from Washington to Portersville;

An act to provide for the location of a state road, and for other purposes;

An act to establish a state road therein named, and

An act for the relief of the Miami and other Indians;

All of which originated in the House of Representatives.

I am also requested to present to the House of Representatives the following communication from the Governor in reference to the bill last named.

Mr. Butler of Cass made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did on this day present to his excellency, the Governor, for his approval and signature the following entitled acts, to-wit:

No. 292—An act to relocate part of a state road therein named;

No. 280—An act to declare certain names misprints in the act concerning the state road from Washington to Portersville;

No. 265—An act to change the time of holding Probate courts in Daviess county;

No. 267—An act relative to the will of George Boon late of Sullivan county;

No. 236—An act providing the opening and repairing public roads and highways in the county of Monroe;

No. 282—An act providing for the location of a state road and for other purposes;

No. 280—An act attaching Sprinklesburgh and Mount Prospect to the town of Newburgh in Warrick county;

No. 296—An act to establish a state road therein named;

No. 277—An act to vacate a certain state road in Tippecanoe county;

No. 118—An act to amend an act entitled an act to incorporate the town of Indianapolis, in the county of Marion, approved February 17th, 1838;

No. 114—An act to authorize William L. McKinney, a minor, to sell certain real estate therein named:

No. 248—An act to authorize the citizens of Montgomery and Putnam counties to open a part of the New-Albany and Crawfordsville Turnpike road therein named;

No. 125—An act to authorize the board doing county business in Spencer county to increase the number of places of holding elections in said county;

Mr. Butler of C. made the following report:

Mr. SPEAKER—

The joint committee on enrolled bills report that they have on this day presented to his Excellency the Governor for his approval and signature the following entitled acts and joint resolutions, to-wit:

No. 269—An act relative to the Shelbyville independent rifle company;

No. 179—An act to amend an act entitled an act to regulate the mode of doing county business in the several counties in this state;

No. 149—An act to enable the Treasury to meet the current demands for the civil list for 1841, growing out of the deficit of 1840;

No. 214—Joint resolutions on the subject of the National Road;

No. 213—An act to establish permanent corners to the streets, alleys and lots in the town of Corydon;

No. 119—An act regulating the salaries of Auditor, Secretary and Treasurer of State;

No. 212—An act to vacate Spring street in the town of Covington in Fountain county;

No. 218—An act repealing the 8th section of an act incorporating the Leesburg School Society, approved Feb. 24th, 1840;

No. 236—An act amendatory to an act locating a state road;

No. 270—An act legalizing the time of holding courts in the county of Madison, in the eleventh judicial circuit;

No. 254—An act for an additional term of the circuit court in Delaware county;

No. 130—An act to extend the benefit of an act entitled an act to incorporate the Marion Fire Engine Company, approved January 20th, 1838;

No. 220—An act to change the name of the town of Milford in Warren county;

No. 206—An act to amend an act to incorporate the Liverpool Bridge Company;

No. 252—An act changing the time of holding courts in the third judicial circuit;

No. 230—An act to legalize the election of Probate Judge in Kosciusko county;

No. 224—An act to amend an act entitled an act to provide for the election of an additional justice of the peace and constable for Morgan township in the county of Harrison;

No. 226—An act to amend an act for the relief of the poor, approved February 17th, 1838, so far as relates to Marion county;

No. 229—Joint resolution for the benefit of St. Joseph county;

No. 293—A joint resolution relative to the judicial circuits;

No. 155—An act for the relocation of the seat of justice in Blackford county;

No. 82—An act defining the duties of petitioners for relocating seats of justice, and for other purposes;

No. 243—An act repealing an act regulating the jurisdiction of justices of the peace in Madison county, approved February 17th, 1838;

No. 278—An act for the benefit of Adam E. Rhodes;

No. 103—An act to provide for the revision of the laws;

No. 257—An act for the relief of George D. Moore of Randolph county;

No. 182—An act to confirm to Enoch D. John and Cornelius G. W. Comegys certain water power therein named;

#### BILLS ON THEIR SECOND READING.

No. 219—A bill to provide for a state road therein named;

No. 92—A bill from the Senate, to amend an act amendatory to an act entitled an act concerning the Seminary township of land in Gibson and Monroe counties, approved February 24, 1840.

No. 141 of the Senate—A bill to incorporate the Liberty Band;

Which were severally read the second time and the rules being dispensed with, were read the third time and passed.

Ordered that the Senate be informed thereof.

No. 302—A bill extending further time to borrowers of the Sinking Fund;

Was read the second time and ordered to be engrossed;

No. 303—A bill respecting licenses for retailing spirituous liquors in the city of Richmond;

Was read the second time and ordered to be engrossed.

No. 304—A bill to amend an act regulating fees and salaries of the several officers and persons therein named, approved February 7th, 1831.

Read a second time and ordered to be committed to the judiciary.

No. 305—A bill to amend an act to provide for the distribution of the laws and journals, and for other purposes, approved February 10, 1831;

Was read the second and third times (the rules being dispensed with) and passed.

Ordered that the Senate be informed thereof.

No. 307—A bill fixing the per diem allowance of members of the General Assembly,

Was read the second time:

Mr. Brown then moved to insert fifty cents, so that members be allowed two dollars and fifty cents per day,

When, Mr. Champer moved to lay the proposed amendment of Mr. Brown on the table,

And the ayes and noes being demanded thereon by Messrs. Brenton and Hamer,

*Those who voted in the affirmative were*

Messrs. Akin, Ball, Blair, Bowles, Bradbury, Butler of Cass, Butler of Vanderburgh, Champer, Clark of Dearborn, Clark of Fountain, Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Foote, Graham, Harrison, Howe, Kile, Lancaster, Leslie, Mason, Miller, Montgomery of Gibson, Rayburn, Rulon, Russell, Shawhan, Sloan, Smith of Fayette, Stanford, Stratton, Sweetser of Grant, Welch, Woodard and Mr. Speaker—38.

*Those who voted in the negative were*

Messrs. Atherton, Blankenship, Bowers, Brenton, Brown, Burton, Byers, Carr, Casey, Chiles, Chrisman, Clark of Tip., Conner, Dunn, Dunbar, Durbin, Farrington, Goodenow, Hamer, Hanna, Harding, Harrah, Henley, Houghton, Jones, Kerr, Lucas, McCoy, McCrillis, McCully, Montgomery of Warren, Morgan, Newell of Fountain, Newell of White, North, Peck, Quick, Rawlings, Read, Rippey, Rose, Runyan, Shanks, Shortridge, Shoup, Smydth of D., Sweetser of Marion, Terrell, Walpole and Wilson—50.

So said amendment was not laid upon the table.

The question then recurred on Mr. Brown's amendment,  
Which was lost.

Mr. North moved to amend as follows:

"Strike out two dollars and insert that each member fix his own salary not to exceed three dollars per day."

When, Mr. Conwell moved to add,

Including the present General Assembly.

Which amendment of Mr. Conwell was not adopted.

The question then recurred on Mr. North's amendment.

Which was adopted.

When, Mr. Henley moved to commit the bill and amendments to the committee on Federal Relations,

Which motion prevailed.

Mr. Champer then moved the following instructions:

"To reduce the pay to one dollar and fifty cents per day."

When, Mr. Read moved to amend the instructions as follows:

And to reduce the fees of all the state officers,

Which amendment was lost.

When, Mr. Shoup moved to amend said instructions as follows:

"Also to reduce all state officers twenty-five per cent."

When, Mr. Rayburn moved to lay the amendment to the instructions on the table,

Which was agreed to.

Mr. Runyan then moved to lay Mr. Champer's instructions on the table,

And the ayes and noes being demanded by Messrs. Champer and Blair,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Bowles, Brenton, Brown, Butler of Cass, Butler of Vanderburgh, Casey, Chilés, Clark of Fountain, Coffeen, Conner, Defrees, Dunn, Dunbar, Durbin, Elkins, Farrington, Foote, Goodenow, Graham, Hamer, Harding, Hiatt, Houghton, Howe, Jones, Kile, Lancaster, Leslie, Mason, Montgomery of Gibson, Montgomery of Warren, Morgan, Newell of F., Newell of White, North, Peck, Read, Rayburn, Rose, Ross, Runyan, Saylor, Shanks, Shawhan, Shoup, Sloan, Stanford, Stratton, Terrell, and Woodard—51.

*Those who voted in the negative were*

Messrs. Akin, Blair, Blankenship, Bowers, Bradbury, Burton, Byers, Carr, Champer, Chrisman, Clark of Dearborn, Clark of Tippecanoe, Cole, Coleman, Conwell, Dowling, Hanna, Harrah, Harrison, Henley, Kerr, Lucas, McCoy, McCrillis, McCully, Miller, Newell of White, Quick, Rawlings, Ritchey, Rippey, Rulon, Russell, Shortridge, Smydth of Daviess, Sweetser of Grant, Sweetser of Marion, Walpole, Welch, Wilson, and Mr. Speaker—41.

And so said instructions were laid on the table.

Mr. McCoy then moved to instruct as follows:

"To report a joint resolution instructing our Senators and requesting our Representatives in Congress to use their best exertions to procure the passage of a bill reducing their pay.

On motion of Mr. Clark of T.,

Said instructions were laid on the table.

Mr. Blankenship then moved the following instructions:

"To reduce the per diem of members of the legislature to two dollars and fifty cents per day."

Mr. Clark of T. then moved to lay said instructions on the table.

Pending said motion,

The House adjourned until to-morrow morning 9 o'clock.

FRIDAY, FEBRUARY 5th, 1841.

The House met pursuant to adjournment.

Mr. Mason asked and obtained leave to introduce a joint resolution,

No. 322—On the subject of the distribution of the proceeds of the sale of the public lands,

Which was read the first, second and third times (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

PETITIONS PRESENTED.

By Mr. Sweetser of Grant, of the citizens of Wabash county, relative to the improvement of the Mississiniway river,

Which was referred to the committee on canals and Internal Improvements.

By Mr. Coffeen, of the commissioner of the three per cent. fund of Blackford county;

Which was referred to the judiciary committee.

By Mr. Burton, of the citizens of Clay county; on the subject of a state road,

Which was read and referred to the committee on roads.

By Mr. Jenckes of John Hodges, relative to a state road,

Which was referred to a select committee of Messrs. Farrington, Jenckes and Dowling.

By Mr. McCully, of the citizens of Carroll county, on the subject of electing assessors;

Which was laid on the table.

By Mr. Sweetser of G., of the citizens of Wabash county on the subject of a Turnpike road,

Which was referred to a select committee of Messrs. Sweetser of G., Morgan, and Graham.

By Mr. Cole, of Mrs. Kook,

Which was read and referred to the committee on roads.

By Mr. Runyan, of sundry citizens of Kosciusko county, on the subject of a state road,

Which was referred to a select committee of Messrs. Runyan, Howe and Harding.

By Mr. Robbins, of Gardner Perry and others, concerning the jurisdiction of justices of the peace,

Which was referred to a select committee of Messrs. Robbins, Sweetser of M. and Kerr.

By Mr. Graham, of Chester Elliott of *Warrick* county,  
Which was referred to a select committee of Messrs. Graham,  
Sweetser of *M.* and *McCrillis*.

By Mr. Farrington, remonstrance of J. Armstrong and others, citizens of *Vigo* county, on the subject of amending the charter of the town of *Terre-Haute*,

Which was referred to the committee on corporations.

The following message was received from the Senate by Mr. Test a member:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof, No. 107, entitled, "An act for the relief of David Stiver."

In which the concurrence of the House is respectfully requested.

Which was read three several times, the rules being suspended.

Ordered that the Senate be informed thereof.

Mr. Jenckes made the following report:

MR. SPEAKER:

The committee of ways and means to whom was referred a resolution of the House, and a report of the Auditor of Public Accounts on the subject of supplying certain counties with new and complete county tract books; report that they believe it will be impossible for all the lands in a county to be assessed, unless there be a correct tract book in the clerks office of the proper county, and that much of the deficiency in the assessment of the laws for 1840, may no doubt be attributed to want of full and correct tract books in those counties. The committee have therefore, determined that in as much as supplying the additional sales will mutilate the Auditor's tract books, and cost the state nearly as much as the supplying of new books, and inasmuch as the lists furnished from year to year heretofore to most of these counties, have not been embodied or preserved in any form, the committee have come to the conclusion that the public interest requires that the counties lying in the Indianapolis, Crawfordsville, Jeffersonville and Cincinnati land districts should be furnished with correct tract books. The counties in the Fort Wayne, Laporte and Vincennes district having already been furnished with such books.

The committee therefore report a joint resolution, amendatory of a joint resolution relative to the Auditor of Public Accounts, approved Feb. 9th, 1831, and recommend its adoption.

Said joint resolution No. 323, was read the first time and passed to a second reading.

Mr. Jenckes also made the following report:

Mr. SPEAKER;

The committee on ways and means to whom was referred bill No. 166, with instructions to fill the blanks, have had the same under consideration, and directed me to report it back to the House with sundry amendments in which the concurrence of the House is most respectfully requested.

The amendments to said bill No. 166; when,

On motion of Mr. Clark of T.,

Said bill was committed to the committee of the whole House, and made the order of the day for to morrow.

And bill No. 178, and estimates touching the same, were committed to the committee of the whole.

Mr. Jenckes also made the following report;

Which was read laid on the table, and 1000 copies thereof ordered to be printed.

Mr. Howe made the following report:

Mr. SPEAKER;

The committee on the judiciary to which was referred bill No. 90, of the Senate, entitled an act to amend an act relative to crime and punishment, having considered the same, have instructed me to report it back with the following amendments, viz:

Strike out 'court' where it occurs in the 1st section, strike out the 4th line in section 5, and after 'jail' not exceeding 6 months, and strike out the balance of the section, strike out the 6th section and the 7th section.

The House concurred in the first and fourth amendments, And refused to concur in the second and third.

The fifth amendment being read,

Mr. Clark of T. moved to concur in said amendment with the following:

Strike out all that part after the word 'that' in first line of 4th section down to the word 'in,' in the 8th line;

Which was not adopted.

Mr. Champer moved to add the following:

Strike out in 9th section, that part which relates to the rider;

When Mr. Clark of T. moved to amend the amendment of Mr. Champer by adding the following:

Over the age of fourteen years, in the 9th section;

Which was not adopted.

The question then recurred on Mr. Champer's amendment;

And was decided in the negative.

Said amendment to said bill No. 90, were then considered as engrossed;

The bill read a third time and passed.



Ordered that the Senate be informed thereof.

Mr. Sweetser of M. made the following report:

Mr. SPEAKER;

The committee on the judiciary to whom was referred a bill to amend an act to incorporate the town of Jeffersonville, approved Feb. 22, 1840, have had the same under consideration, and directed me to report the same without amendment.

Said bill No. 299, was then read the third time and passed.

Ordered that the Senate be informed thereof.

Mr. Lancaster made the following report:

Mr. SPEAKER;

The committee upon education to whom was referred the communication of E. D. MacMaster, Secretary of the board of trustees of Hanover College, together with a catalogue of the officers and students of said college, having had the same before them, they have instructed me to

## REPORT :

That the situation of the college, as exhibited in the report of the board of trustees is highly creditable to the faculty, to whose industry, zeal, attention to the interests of the institution, and kind regard for the improvements of their students—always displayed in the government of the college, the prosperity of the institution is mainly attributable. The committee deem that it is alike honorable to the state, and to the college; that, amid the gloom of the few past seasons, when almost every other interest has been arrested, and overwhelmed by the adverse currents of our pecuniary affairs; the cause of education and of moral improvement, has been maintained with signal success under every difficulty by this institution. The number of the pupils have increased, a higher order of instruction has obtained, a love of learning—cherished by the paternal system adopted by the faculty, has strengthened with the students; while the order and excellent discipline, which it is understood prevail, recommend the government established in the college to general approbation.

In new states many serious difficulties interfere in the establishment of Seminaries of learning, especially to those of a higher class, the arduous avocations and limited means surrounding most of the community, restrain their aspirations to humbler seats of learning for their children, except with the most wealthy; who, more intent upon the gratification of family pride, than the public good, are too apt to neglect the only means of securing good institutions among themselves, by giving all their aid to their own state's colleges, send their sons abroad to

procure that, which with their patronage, would be established and made better nearer home. Such a practice beside entailing upon youth all the misfortune of a residence, remote from parental influence; and of becoming strangers to the manners of that society, in which their lot may be cast for life, lose to their own state and section of country, all the benefit of that contribution, which it is the duty of each to afford to the improvement of the general condition.

It is gratifying therefore to every feeling of state pride, as well as to our hopes as parents and as citizens, to find such an improvement in our colleges, as to present sufficient opportunity for a finished education among ourselves, and leaving no one an apology for seeking the institutions of other states, and neglecting their own.

Upon that increasing regard for education which is now exciting the public mind, and rousing up its nobler faculties, and enlisting them in the cause of moral reformation, and intellectual improvement; we may rely for a constant, and rapid development of those resources which will place on still higher ground our public institutions of learning, and enable them not only to embrace the instruction of our own youth, but to run a successful race of competition in a career of usefulness, and of public confidence, with the most flourishing of those of neighboring states.

Although the communication referred to the committee did not call for legislative action, they feel it an obligation of duty, to employ all suitable occasions to recommend our own institution to public attention, as deserving general confidence, and the patronage of all who design affording their children a complete education.

Which was read, concurred in and laid on the table.

Mr. Sweetser of G. made the following report:

MR. SPEAKER—

The committee on claims to whom was referred the claim of John F. Richards of seventy-five dollars, for pursuing and arresting John White, a fugitive from justice from Dearborn county, have according to order had the same under consideration, and from an examination of the evidence presented to the committee, it appears that the said White was indicted in the Dearborn circuit court, upon a charge of kidnaping, and that upon a requisition of the Governor of Indiana, the Governor of Ohio issued his commission to the said John F. Richards, in pursuance to an act of Congress, entitled an act respecting fugitives from Justice, and persons escaping from the service of their masters, approved Feb. 19, 1793, and by virtue of said commission, the said John F. Richards arrested said White in the State of Ohio, and conveyed him to the jail of Dearborn county; that in making such arrest the said White was subject to a loss of about twelve days time, and to a cash expense of twenty-five dollars. The committee are of opinion that fifty dollars would be a fair compensation to the said White for his loss of time and expense in making such arrest,

and have accordingly directed me to report the accompanying resolution.

*Resolved*, That the committee of ways and means, allow John F. Richards in the specific appropriation bill, fifty dollars for his loss of time and expense incurred in arresting and conveying to the jail of Dearborn county, John White a fugitive from justice, which arrest was made by virtue of a commission from the Governor of Ohio to the said Richards upon the demand of the Governor of Indiana.

The said resolution was laid on the table.

Mr. Smith of F. made the following report:

MR. SPEAKER:

The committee on canals and internal improvements to whom was referred the petition of Thomas Nichols, praying for an additional compensation for work done on section No. 12 on the Indianapolis division and section No. 33, on the northern division of the central canal; have had the same under consideration, and have directed me to report, that after an examination of the facts connected with the claim of the petitioner they are of opinion that he is entitled to the further sum of three hundred dollars for work done in removing rock on said section No. 12, and that he is not entitled to any further amount than he has already received on said section No. 33. The committee have directed me to report a bill for the relief of the petitioner.

Said bill named in the report, No. 324;

Was read the first and second times, (the rules being suspended) and ordered to be engrossed for a third reading.

Mr. Morgan made the following report:

MR. SPEAKER—

The committee on roads to which was referred the petition of Jacob Fielding, and twenty-two other gentlemen, citizens of Dearborn and Ripley counties, all between fifty and seventy-seven years of age, praying for the revision of the "act relative to public roads and highways," with an amendment, "making it the duty of every free male inhabitant of this state, without distinction of age, occupation or profession, to work on the public highways according to his ability at least two days in each year," have had the same under consideration, and beg leave to

#### R E P O R T :

That they are at a loss for language to express in adequate terms the high opinion they entertain of the exalted sentiments of patriotism exhibited in their petition. Those who have any experience in the legislation of the present day know that legislative bodies are continually beset by cold, calculating selfishness, asking for exclusive privileges,

and begging for favors where none are due or deserving, until legislation itself has almost become disgusting to an honest man. Amidst this universal scramble for public favors, whether deserving or not—amidst the general degeneracy of the times, to see men petition the legislature to impose additional burdens upon themselves for the *benefit* of the *public*, is to the eye of the legislator like the green and blooming oasis in the midst of a parched and sandy desert to the eye of a weary traveller. These gentlemen need not have attached their ages to their names. Their voluntary offer of self-immolation on the altar of their country's good, is ample proof that they are of the "days of other years." And here the grave question presented itself to the committee, shall those old patriots and pioneers who braved every danger and endured all the hardships and toil of subduing the wilderness when roads were a thing almost unknown, have the additional burden of working on roads imposed upon them now? Not for their own benefit either, for we see a less noble race treading upon their heels and fast driving them from the shores of time, but for the benefit of a race of coxcombs and dandies more effeminate than were the mothers of those whole-souled old petitioners. Shall the committee compel those noble relics of by-gone days to toil and labor that a less deserving race may sport in their coaches upon good roads? In such a case we could not hesitate in coming to the conclusion that the will should be taken for the deed, and that they should never be compelled to work that others might reap the reward of their industry.

With sentiments of the most profound respect for the shining example of disinterestedness evinced by the petitioners, we are constrained from feelings of benevolence to decline granting their prayer, and ask to be discharged from the further consideration of the subject.

Said report was read, concurred in and the committee discharged.

Mr. Sweetser of M. made the following report:

MR. SPEAKER—

The select committee in obedience to a resolution of this House, directing them to cause an invoice to be taken, of the books in the State Library, and compare the same with the invoices of purchases made, to be found in the Journals of this House subsequent to the year 1828, have had the subject under consideration, and directed me to make the following

#### R E P O R T :

That they have caused to be made an invoice in alphabetical order of all the books of a Legal, Literary and Scientific character in the Library, and compared the same with the original invoices, and now present the same to the House.

They have also made an inventory of the books which belong to the State Library which are missing, charged to no person and of which

no account can be had. They number one hundred and twenty-six volumes. Many of them are parts of sets. A part of the purchase for the past year has not arrived, having been sunk in a canal boat, but will probably be recovered without much loss or injury. Fifty-six volumes not charged to any person were brought in during the examination.

The committee believe that the law appointing a Librarian passed the present session of the General Assembly will insure the safe keeping of the books if punctually carried into effect.

Walter March has been employed in making a catalogue of the books and arranging the same in alphabetical order fourteen days.

And the committee recommend the adoption of the following resolution:

*Resolved*, That Walter March for his services in making a catalogue of the books in the State Library be allowed in the specific appropriation the sum of twenty-eight dollars for fourteen days services.

The report was concurred in.

Said resolution was adopted, and the inventory laid on the table and ordered to be placed in the documentary journal.

Mr. Akin made the following report:

MR. SPEAKER—

The select committee to whom was referred the petitions of John H. Eaton and others, citizens of Sullivan county praying the location of a state road in said county, have had the same under consideration and directed me to report a bill,

No. 325—To locate a state road in Sullivan county,

Which was read three times, the rules being suspended, and passed. Ordered that the Senate be informed thereof.

Mr. Sweetser of G. made the following report:

MR. SPEAKER,

The select committee to whom was referred the petition of James S. Hogin and one hundred and sixty other citizens of Grant county, asking the incorporation of a certain Turnpike company therein named, have according to order had the same under consideration and directed me to report the accompanying bill,

No. 326—To incorporate the Marion and Wabash Turnpike Company,

Which was twice read, (the rules being suspended) and committed to the committee on corporations.

Mr. Walpole made the following report:

Mr. SPEAKER—

The select committee to whom was referred the petition of the President and Trustees of the Hancock county Library, have accordingly to order had the same under consideration and instruct me to report the following bill,

Entitled a bill No. 327—For the relief of the Hancock county Library,

Which was read three several times, (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

Mr. Smith of F. made the following report:

MR. SPEAKER—

The select committee to whom was referred a petition of sundry citizens of the town of Connersville, praying for the passage of an act to incorporate the town of Connersville, have directed me to report a bill for that purpose, No. 328—

Which was read twice, (the rules being suspended) and committed to the committee on corporations.

Mr. Howe made the following report:

Mr. SPEAKER—

The select committee to which was referred the petitions and remonstrances of sundry citizens of Lagrange and Noble counties, on the subject of consolidating said counties into one, having considered the same have instructed me to report, that legislation on the subject is inexpedient, as the number petitioning is not equal to that remonstrating.

Which was read and concurred in.

Mr. Defrees made the following report:

MR. SPEAKER—

The select committee to whom was referred the bill of the Senate, entitled, a "bill to suspend operations upon the public works, on account of the State until they shall be classed, and to authorize individuals to advance means to prosecute them," together with amendments offered thereto, have had the same under consideration, and a majority thereof have directed me to report said bill back with one amendment and recommend its passage.

Amend the said bill by striking out all from the enacting clause and insert the following.

Which was read, when,

Mr. Champer moved to concur in the amendment of the select committee with the following amendment:

Strike out the 1st, 2d, 3d and 4th sections of the amendment:

Which was not agreed to.

Mr. Blair then moved the previous question.

Which was seconded.

And the question being,

Shall the main question be now put?

And the ayes and noes being demanded thereon by Messrs. Bowles and Blankenship.

*Those who voted in the affirmative were*

Messrs. Atherton, Blair, Bradbury, Brenton, Burgess, Butler of C., Casey, Chiles, Clark of Dearborn, Clark of Tip., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrison, Hiatt, Kile, Mason, Montgomery of Warren, Morgan, Newell of White, North, Peck, Quick, Rawlings, Rayburn, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of Fayette, Stanford, Stratton, Sweetser of Marion, Terrell, Welch, Wilson, Woodard and Mr. Speaker—54.

*Those who voted in the negative were*

Messrs. Ball, Blankenship, Bowles, Brown, Burton, Butler of Vanderburgh, Byers, Carr, Champer, Clark of Fountain, Dunbar, Durbin, Foote, Freeman, Graham, Hamer, Harrah, Henley, Houghton, Howe, Jones, Kerr, Leslie, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of G., Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, Sloan, Smydth of D., Sweetser of Grant, and Walpole—39.

So the House decided that the main question should be now put;

When, Mr. Champer rose to a question of order, contending that the main question would be on the passage to a third reading of the bill of the Senate No. 62, to which the amendment of the select committee was now pending, and,

The Speaker decided that the main question was, "will the House concur in the report of the committee?"

From this decision Mr. Champer took an appeal to the House, and the question being stated,

"Shall the decision of the chair stand as the judgment of the House?"

And the ayes and noes being demanded by Messrs. Champer and Henley,

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Byers, Casey, Chiles, Clark of Dearborn, Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Freeman, Goodenow, Hanna, Harding, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kile, Lancaster, Mason, Montgomery of Warren, Morgan, Newell of Fountain, Newell of White, North, Peck, Quick, Rayburn, Ritchey, Rippey, Robbins, Rose, Ross, Rulon, Runyan, Russell, Shawhan, Shortridge, Shoup, Sloan, Smith of F., Stratton, Sweetser of Marion, Terrell, Walpole, Welch, Wilson, Woodard and Mr. Speaker—68.

*Those who voted in the negative were*

Messrs. Burton, Carr, Champer, Clark of Fountain, Clark of Tip., Conner, Dunbar, Durbin, Foote, Graham, Hamer, Harrah, Henley, Kerr, Leslie, McCoy, McCrillis, McCully, Miller, Montgomery of G., Smydth of D., and Sweetser of G.—21.

So the decision of the chair was sustained by the House.

And the question then being,

Will the House concur in the report of the committee,

And the ayes and noes being demanded thereon by Messrs. Bowles and Blankenship.

*Those who voted in the affirmative were,*

Messrs. Atherton, Blair, Bowers, Bradberry, Burgess, Butler of Cass, Casey, Chiles, Clark of Dearborn, Clark of Tipp, Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Harrah, Harding, Harrison, Hiatt, Jenckes, Kile, Lancaster, Mason, Montgomery of W., Morgan, Newell of F., Newell of White, North, Peck, Quick, Rayburn, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton, Sweetser of M., Terrell, Welch, and Mr. Speaker—53.

*Those who voted in the negative were*

Messrs. Akin, Ball, Blankenship, Bowles, Brenton, Brown, Burton, Butler of Vanderburgh, Byers, Carr, Champer, Clark of Fountain, Conner, Dunbar, Durbin, Foote, Freeman, Graham, Hamer, Henley, Hanna, Houghton, Howe, Jones, Kerr, Leslie, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of Gibson, Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, Sloan, Smydth of D., Sweetser of G., and Walpole—44.

So said report of the committee was concurred in by the House.



Mr. Smith of F. then moved that the rules be dispensed with, the amendment considered as engrossed, and the bill read a third time; When Messrs. Bowles and Henley demanded the ayes and noes.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bradberry, Burgess, Butler of C., Chiles, Clark of D., Clark of Tip., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrison, Hiatt, Jenckes, Kile, Lancaster, Mason, Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rayburn, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of F., Standford, Strattan, Sweetser of M, Terrell, Walpole, Welch, Wilson, Woodard and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Akin, Blankenship, Bowles, Brenton, Brown, Burton, Butler of V. Byers, Carr, Casey, Champer, Clark of F., Conner, Dunbar, Durbin, Foote, Freeman, Graham, Hamer, Harrah, Henley, Houghton, Howe, Jones, Kerr, Leslie, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of G., Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, Shanks, Sloan, Smydth of Daviess, and Sweetser of Grant—43.

So the rules were dispensed with, the amendment considered as engrossed, and the bill was read a third time; when,

Mr. McCoy moved to re-commit the bill as amended to a select committee with the following instructions:

To strike out that part which provides for the appropriating of the suspended debt to the payment of the interest on the public debt.

When Mr. Blair moved the previous question.

And the question being;

Will the House second the call for the previous question?

And the ayes and noes being demanded by Messrs. Henley and Bowles.

*Those who voted in the affirmative were,*

57 Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Burgess, Butler of C., Chiles, Clark of D., Clark of T. Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrison, Hiatt, Jenckes, Kile, Lancaster, Mason, Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Rayburn, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Smith of F., Stanford, Stratton, Sweetser of M., Terrell, Welch, Wilson, Woodard, and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Akin, Blankenship, Bowles, Brenton, Brown, Burton, Butler of V., Byers, Carr, Casey, Champer, Clark of F., Conner, Dunbar, Durbin, Foote, Freeman, Graham, Hamer, *Henley* Houghton, Howe, Jones, Kerr, Leslie, Lucas, McCoy, McCrillis, *McCully*, Miller, Montgomery of G., Read, Ritchey, Rippey, Rulon, Saylor, Sloan, Schoonover, Shoup, Smydth of D., Sweetser of G., and Walpole—42.

So the previous question was seconded.

The question then being;

Shall the main question be now put?

And the ayes and noes being demanded thereon by Messrs. *Henley* and Bowles.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Burgess, Butler of C., Chiles, Clark, of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, *Harding*, Harrison, Hiatt, Jenckes' Kile, Lancaster, *Mason*, *Montgomery* of Warren, Morgan, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Rayburn, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton, Sweetser of Marion, Terrell, Welch, Wilson, Woodard, and Mr. Speaker—55.

*Those who voted in the negative were,*

Messrs. Akin, Blankenship, Bowles, Brenton, Brown, Burton, Butler of V., Byers, Carr, Casey, Champer, Clark of F., Dunbar, Durbin, Foote, Freeman, Graham, *Hamer*, *Harrah*, *Henley*, Houghton, *Howe*, Jones, Kerr, Leslie, Lucas, McCoy, *McCrillis*, *McCully*, Miller, *Montgomery* of G., Read, *Kitchey*, Rippey, Rulon, Saylor, Schoonover, Shanks, Sloan, Smydth of D., Sweetser of Grant, and Walpole—42.

So the House decided that the main question should be now put; which was,

Shall the bill pass?

And the ayes and noes being demanded thereon by Messrs. Jones and *Rippey*.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bradberry, Burgess, Butler of C., Chiles, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, *Harding*, Harrison, Hiatt, Jenckes, Kile, *Mason*, *Montgomery* of W., Morgan, Newell of F., Newell of White, North, Peck, *Quick*, *Ray-*

burn, Robbins, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton, Sweetser of Marion, Terrell, Welch, Wilson, Woodard, and Mr. Speaker—52.

*Those who voted in the negative were,*

Messrs. Akin, Blankenship, Bowles, Brenton, Brown, Burton, Butler of V., Byers, Carr, Casey, Champer, Clark of F., Conner, Dunbar, Durbin, Foote, Freeman, Graham, Hamer, Harrah, Henley, Houghton, Howe, Jones, Kerr, Leslie, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of G., Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, Shanks, Sloan, Smydth of D., Sweetser of G., and Walpole—44.

So the bill passed, and,

Ordered that Mr. Sweetser of M., inform the Senate thereof.

On motion,

The House adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

The House met pursuant to adjournment.

Mr. Smith of F., moved to amend the title of bill No. 62 of Senate, as follows:

Strike it out, and insert the following:

A bill to classify the public works, and for other purposes."

Mr. Brenton moved to amend the amendment, as follows:

Strike it out and insert,

A bill classifying the public works and making specific appropriations for the Wabash river, and Madison and Indianapolis rail road.

And the ayes and noes being demanded thereon by Messrs. Henley and Rulon;

*Those who voted in the affirmative were .*

Messrs. Akin, Bowles, Brenton, Burton, Butler, of V., Byers, Carr, Casey, Champer, Clark of F., Conner, Dunbar, Durbin, Foote, Freeman, Harrah, Henley, Houghton, Jones, Kerr, Leslie, McCrillis, McCully, Miller, Rippey, Rulon, Saylor, Schoonover, Shanks, Sloan, Smydth of D., Sweetser of G., and Walpole—33.

*Those who voted in the negative were,*

Messrs. Atherton Ball, Blair, Blankenship Bowers, Bradbury, Brown, Burgess, Butler of C., Chrisman, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Farrington, Goode-  
now, Hanna, Harrison, Hiatt, Howe, Jenckes, Kile, Lancaster, Lucas, Mason, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North Peck, Quick, Rawlings, Rayburn, Ritchey, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton, Sweetser of M., Terrell, Welch, Wilson, Woodard, and Mr. Speaker—57.

And so said amendment was not adopted.

The question recurring on the amendment of Mr. Smith of F.

It was agreed to.

Mr. Stanford then moved to reconsider the vote taken this morning on laying on the table the resolution offered by the committee on claims, in relation to the pay of John F. Richards of Dearborn county;

Which was agreed to and the vote was so reconsidered;

And the resolution was then adopted.

The Speaker then laid before the House a communication from the Auditor of State, on the subject of the claims of John Pitcher and others, for services as Attorneys on behalf of the state;

Which was read and referred to the committee on claims.

Mr. Champer asked and obtained leave to introduce,

No. 329, a joint resolution in relation to the office of Fund Commissioner;

Which was read a first time, and passed to second reading on tomorrow.

Mr. Coffeen made the following report:

**MR. SPEAKER;**

The select committee to whom was referred the petition of sundry citizens of Delaware county, relative to a certain state road therein named, have had the same under consideration, and directed me to report the following bill, and recommend its passage:

No. 330, a bill to locate a state road therein named;

Which was read a first and second times, (the rules being suspended) and referred to the committee on roads.

Mr. Coleman offered for adoption the following resolution:

*Resolved,* That a committee be appointed to wait upon Milton Stapp Esq. Fund Commissioner now in this city, and procure from him such further information as he may be enabled to communicate in reference to our suspended debt, also what arrangements are made to meet the interest on our state debt, whether by the hypothecation of state bonds, or by the collection of debts due for bonds hertofore sold,

if by the hypothecation of new bonds, at what rate of interest, and when, and where the same are made payable, also to procure such other information as he may be enabled to communicate relative to the prospects of sustaining the credit of the state for the present year.

Mr. Ritchey moved to amend the resolution by striking it out from the resolving clause, and insert the following:

That Milton *H.* Stapp, is required to be and appear at the bar of the House at 2 o'clock P. M. on to-morrow, to answer such questions as may be propounded to him by the members of the House, touching the funds and securities in favor of the state; and that the clerk be directed to furnish Mr. Stapp with a copy of this resolution.

Mr. Conner moved to amend the amendment, by striking it out, and inserting the following:

That the *Honorable* Milton Stapp report to this *House*, the amount of bonds hypothecated to obtain money to pay the January installment of interest due on the debts of the state, also the time when said bonds will be forfeited if not redeemed, and what means the state has to redeem said bonds, and also the means of the state to pay her July and January installments of interest of this year, and all things touching the securities for the suspended debt due this state not heretofore communicated; and also all facts connected with the contract for rail road iron, with the Morris Canal and Banking Company, and whether said company has returned the bonds which were alluded to in his report as having been wrongfully detained by said company.

Mr. Dunn moved to lay the amendment and the amendment to the amendment on the table,

And the ayes and noes being demanded thereon by Messrs. Conner and Ritchey;

*Those who voted in the affirmative were,*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bradbury, Brenton, Brown, Burgess, Burton, Champer, Chiles, Clark of Dearborn, Clark of T. Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Farrington, Foote, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Kerr, Kile, Lancaster, Mason, Montgomery, of *W.* Newell of *F.* Newell of *W.* North, Quick, Rayburn, Runyan, Shawhan, Shortridge, Smith of *F.* Stanford, Sweetser of *G.* Terrell, Welch, Wilson and Woodard—52.

*Those who voted in the negative were*

Messrs. Bowles, Butler of *V.* Byers, Carr, Casey, Conner, Dunbar, Graham, Hamer, *Henley*, Houghton, Jones, Leslie, Lucas, M'Coy, M'Cully, Miller, Montgomery, of *G.* Morgan, Peck, Rawlings, Read, Ritchey, Rippey, Ross, Rulon, Russell, Schoonover, Shanks, Smydth of *D.* Walpole and *Mr.* Speaker—32.

And so said amendment and the amendment to the amendment were laid on the table.

Mr. Henley moved to refer the resolution to a select committee with the following instructions:

“To prepare interrogatories to obtain such information on the subject of our suspended debt, as our fund commissioner can give.”

Which was agreed to;

And the resolution was then referred to a select committee composed of the following gentlemen, Messrs. *Henley*, *Mason*, *Hanna*, *Read*, *Champer*, *Sweetser* of *M.* and *Ritchey*.

Mr. Byers offered the following resolution:

*Resolved*, That the committee of ways and means be instructed to allow in the specific appropriation bill, the sum of fifteen dollars to Milton M'Phetridge, agent of the Saline Fund in Monroe county, in full for his services as such agent for the year 1840, to be paid out of said funds.

Mr. Mason moved to refer the resolution to the committee on claims, with instructions to enquire into the expediency of reporting a general bill on the subject;

Which was agreed to, and the resolution was so referred.

Bills were then introduced as follows:

By Mr. Butler, No. 331, for the relief A. B. Coleman;

Which was read three several times, (the rules being suspended) and passed.

Ordered that the clerk inform the Senate thereof.

By Mr. Smith of F., No. 332, concerning petit jurors in certain counties therein named;

Which was read a first and second times, the rules being suspended, and ordered to be engrossed.

By Mr. Casey, in relation to the jurisdiction of justices of the peace in Posey county;

Which was read three several times, the rules being suspended and passed; and,

Ordered that the clerk inform the Senate.

By Mr. M'Coy, No. 334, to vacate so much of Tompkins street, as lies north of Mechanic's street in the town of Shelbyville;

Which was read a first and second time, and referred to the committee on corporations.

By Mr. Rulon, No. 335, to provide for the election of an additional justice of the peace in Bluffton in Wells county.

Which was read three several times, the rules being suspended, and passed; and,

Ordered that the Senate be informed thereof.

By Mr. Coffeen, No. 336, to amend the laws subjecting real and personal property to execution;

Which was read a first time, and passed to a second reading on tomorrow.

By Mr. Burton, No. 337, supplemental to the 13th section of an act

subjecting real and personal estate to execution, approved February 4, 1831;

Which was read a first and second times, the rules being suspended, and referred to the committee on the judiciary.

By Mr. Champer, No. 338, to extend further time to borrowers of the school funds in this state;

Which was read a first time and passed to a second reading on to-morrow.

By Mr. Howe, No. 339, to legalize the meetings of the trustees of the Lagrange Collegiate Institute.

Which was read three several times, the rules being suspended, and passed; and,

Ordered that the clerk inform the Senate thereof.

The following message from the Senate by Mr. Maguire the Secretary.

MR. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives, entitled as follows, to-wit:

No. 78, an act providing for the payment of the bank debt;

No. 278, an act for the benefit of Adam E. Rhodes;

No. 279, an act to authorize the erection of a mill dam across Eel river in Wabash county;

No. 50, an act to amend an act entitled, an act to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn, approved Feb. 1, 1834;

No. 117, an act to confirm to Nathaniel West, a certain lease of water power therein named;

No. 148, an act to amend an act for the regulation of the state prison, approved Feb. 17, 1838;

No. 119, an act regulating the salaries of Auditor, Secretary and Treasurer of State;

No. 269, an act relative to the organization of the Shelbyville Independent rifle company;

No. 149, an act to enable the Treasury to meet the current demands for the civil list for 1841, growing out of the deficit of 1840;

Nos. 278, 269, 119 and 149 without amendment; and

Nos. 78, 279, 50, 117 and 148 with amendment; in which amendments of the Senate, the concurrence of the *House* is respectfully requested.

The amendment of the Senate to bill No. 78, of the House mentioned in the message was read; when,

Mr. Smith of F. moved to concur in the amendment with the following amendment;

Add to the amendment of Senate, the following;

"If any branch of the State Bank shall prefer the receipt of Treasury notes in payment of such portion of the debt due to the State Bank, as shall be accruing to such branch, it shall be the duty of the Treasurer and Auditor of State, to have engraved and issued to said branch, or branches, five dollar Treasury notes to the amount of such debt, and the interest thereon up to the time of such payment; which notes shall be payable two years after the date thereof, in the city of New-York, without interest, and shall be signed by the Treasurer, and countersigned by the Auditor, and a register thereof kept with the number, dates, and names of the payees thereof; and so much of the law of last winter as relates to the issuing of Treasury notes, as applies to this subject, shall govern such issues herein authorized, and their cancelling, except that the Fund Commissioners shall not be required to execute any duty in relation to such issue, and the said Treasury notes so issued shall be receivable in State revenue."

On motion of Mr. Smith of Fayette,

So much of the message of the Senate as contains bill No. 78, the amendment of Senate, and the amendment offered by himself to that amendment, were laid on the table until Monday next.

No. 278, mentioned in the message, was then taken up, with the amendment of the Senate thereto; when,

Mr. Hanna moved that so much of the message of the Senate as contains bill No. 278, be laid on the table.

Which was agreed to.

No. 50, mentioned in the message, was then taken up and the amendment of the Senate thereto concurred in.

No. 117, mentioned in the message, was then taken up, and the amendment of the Senate thereto concurred in.

No. 148, mentioned in message, was then taken up, and the 1st, 3rd, 4th, 5th, 6th, and 7th amendments of the Senate were concurred in.

And on the question of concurring in the second amendment, Mr. Read moved to concur with the following amendment:

To strike out 'two hundred' and insert 'three hundred.'

Which was agreed to.

On motion of Mr. Sweetser of M.,

The committee on the Judiciary was discharged from the further consideration of bill No. 316, concerning the debt due from the State to the State Bank.

And the bill was laid on the table.

The following message was received from the Senate, by Mr. Maquire their Secretary:

Mr. SPEAKER--

The Senate has passed engrossed bills of the House of Representatives:

No. 290, an act to locate a State road therein named;

No. 152, an act for the relief of Cinderella Hooker;



No. 153, an act for the relief of Elvira Garner;

No. 158, an act to amend an act to incorporate the Columbus and Driftwood bridge company, approved Feb. 8, 1839;

No. 139, an act authorizing an additional justice of the peace and constable in Jackson township in the county of Putnam;

No. 198, an act to repeal an act vacating a part of the town of Milford in the county of Kosciusco, approved Jan. 22, 1839;

No. 180, a joint resolution relative to the destruction of the statutes of Duboise county;

No. 187, an act to authorize Obediah Jones to build a mill dam across the Mississinewa river, in the county of Grant;

No. 234, an act authorizing the survey of a canal from Peru to the head of Salt River and the Erie and Michigan canal;

No. 289, an act attaching certain territory therein named;

No. 262, an act to re-locate the Rockport and Bloomington State road in Martin county;

The last named with one amendment, in which the concurrence of the House is requested; and all the rest without amendment.

The Senate has also passed engrossed bills thereof entitled as follows, viz:

No. 130, an act to repeal a part of the second section of an act relating to public roads and highways;

No. 145, an act for the relief of John S. Forgey, late collector of Tippecanoe county for the year 1839;

No. 148, a joint resolution to suspend the act passed at the present session of the General Assembly to provide for a keeper of the State house and Library;

In which I am directed to ask the concurrence of the House of Representatives.

No. 262, mentioned in the message was taken up, and the amendment of the Senate thereto concurred in.

No. 145, mentioned in the message, was read a first and second time, the rules being suspended, and referred to the committee on Claims.

No. 130, was read a first time and passed to a second reading on to-morrow.

No. 148, was read a first and second time, and on the question:

Shall the joint resolution pass to a third reading?

It was decided in the negative.

So said joint resolution was rejected.

The following message was received from the Senate by Mr. Maquire their Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill of the *House of Representatives*, entitled,

No. 160, an act to value the property of the state.

With one amendment, in which the concurrence of the House of Representatives is respectfully requested.

Also an engrossed bill of the House without amendment entitled, No. 274, an act to incorporate the Philolethian society in Jefferson county.

Also an engrossed bill of the Senate entitled, No. 149, an act to amend the charter of the borough of Vincennes.

In which the concurrence of the *House* of Representatives is respectfully requested.

The amendment of the Senate to bill No. 160, mentioned in the message, was then read and concurred in.

No. 149, mentioned therein, was then read three several times, the rules being suspended, and passed; and,

Ordered that the Senate be informed thereof.

The following message was received from the Senate by Mr. Eggleston, a member:

MR. SPEAKER:

The Senate have directed me to inform the House that they have passed the engrossed bill of the Senate No. 136, entitled,

A bill to repeal all laws now in force authorizing the sale of state bonds for Internal Improvements.

In which I am directed to ask the concurrence of the House.

No. 136, the bill mentioned in the above message, was read a first time and passed to a second reading on to-morrow.

Mr. Cole asked and obtained leave to introduce the following resolution:

*Resolved*, That it is the duty of the Secretary of State, in the opinion of this House, to keep his office open every day of the week, Sundays excepted, during the present session, from 9 o'clock A. M. until 12 o'clock, and from 2 o'clock P. M. until 4 o'clock in the afternoon.

Which was not adopted.

The following message was then received from the Senate by Mr. Harris, a member thereof:

MR. SPEAKER:

The Senate has passed engrossed bills of the *House* of Representatives, entitled:

No. 209, an act to change the mode of electing petit jurors in the counties of Brown, Martin and Owen;

No. 219, an act to provide for a state road therein named;

No. 240, an act for the relief of John Eldon;

No. 241, an act to authorize the citizens of Clay county to drain the Round pond;

No. 317, an act to amend an act entitled an act relative to crimes and punishment, approved Feb. 10, 1831;

The first named with amendments, in which the concurrence of the *House* is requested, and the others without amendment.

Also bills of the Senate entitled:

No. 97, an act concerning the late Mayor of the town of Lafayette;

No. 150, an act to admit as evidence the official acts of foreign Mayors, Recorders, and Aldermen of cities, and Notaries Public;

In which the concurrence of the *House* of Representatives is requested.

The amendments of Senate to bill No. 209, were then read and concurred in.

No. 97, mentioned in the message was then read three several times, the rules being suspended, and passed; and,

Ordered, that the Senate be informed thereof.

No. 150, mentioned therein, was then read a first and second time, the rules being suspended, and referred to the committee on the Judiciary.

Mr. Butler of c., made the following reports:

MR. SPEAKER:

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor, for his approval and signature, the following joint resolution, to wit:

No. 322, a joint resolution on the distribution of the proceeds of the sale of the public lands.

MR. SPEAKER;

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed joint resolution of the *House*, and find the same duly enrolled, to wit:

No. 322, a joint resolution on the distribution of the proceeds of the sale of the public lands.

Mr. Byers made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the *House* of Representatives, and find the same correctly enrolled, to wit:

No. 100, an act to provide in part for the payment of the interest on the public debt, and to increase the stock of the state in the state bank, and to authorize said bank to issue notes of a less denomination than five dollars.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared the engrossed with the original bills of the House, as follows:

No. 294, to incorporate the Preachers' aid society;

No. 295, to amend an act to incorporate the city of Richmond in Wayne county, approved Feb. 24, 1840;

No. 302, extending further time to the borrowers of the sinking fund;

No. 303, respecting licenses for retailing spirituous liquors in the city of Richmond;

And find the same correctly engrossed.

The following message was received from the Governor by Mr. Moore, his Private Secretary:

MR. SPEAKER:

I am directed by the Governor to inform the *House* of Representatives, that on yesterday he approved and signed:

An act regulating the salaries of Auditor, Secretary, and Treasurer of State;

An act to confirm to Enoch D. John and Cornelius G. W. Comegys, certain water power therein named;

An act relative to the vacating of Spring street in the town of Covington, in Fountain county;

An act to amend an act entitled an act to incorporate the Liverpool bridge company, approved Feb. 6, 1837;

An act regulating the times of holding courts in the county of Madison, in eleventh Judicial circuit;

An act providing for an additional term of the Delaware circuit court;

An act for the benefit of Adam E. Rhodes;

An act for the relief of George D. Moore of Randolph county;

An act relative to the Shelbyville Independent rifle company;

An act to further amend an act entitled an act dividing the State into Judicial circuits, and fixing the time of holding courts therein, and for other purposes, approved Feb. 10, 1831;

An act repealing so much of an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838, as relates to Madison county;

An act legalizing the election of a probate judge in Kosciusko county;

An act repealing the 8th section of an act incorpoating the Leesburgh school society, approved Feb. 24, 1840;

An act to change the name of the town of Milford, in Warren county;

An act to amend an act entitled an act to provide for the election

of an additional justice of the peace and constable for Morgan township in the county of Harrison, approved Feb. 15, 1840;

An act to provide for the revision of the laws;

An act to amend an act entitled an act for the relief of the poor, approved Feb. the 17th, 1838, so far as the same relates to Marion county;

An act to amend the 10th section of an act entitled an act relating to State roads, approved Feb. 24th, 1840;

An act to establish permanent corners to the streets, alleys and lots in the town of Corydon;

An act to enable the Treasury to meet the current demands for the civil list for 1841, growing out of the deficit of 1840;

An act to extend the benefit of an act entitled an act to incorporate the Marion Fire Engine company, approved January 20, 1838;

An act to amend an act entitled an act to regulate the mode of doing county business in the several counties of this State;

An act defining the duties of petitioners for re-locating seats of justice, and for other purposes;

An act for the re-location of the seat of justice in Blackford county;

A joint resolution relative to the judicial circuits;

A joint resolution for the benefit of St. Joseph county;

Joint resolution on the subject of the National Road;

All of which originated in the House of Representatives.

The following message was received from the Senate:

MR. SPEAKER:

The Senate has passed a joint resolution of the House of Representatives, entitled,

No. 322, a joint resolution on the subject of the distribution of the proceeds of the sale of the public lands.

Without amendment,

On motion,

The House then adjourned until 9 o'clock, to morrow morning.

SATURDAY, FEBRUARY 6th, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maguire their Secretary.

MR. SPEAKER—

The Senate has passed engrossed bills of the Senate entitled as follows:

No. 126—An act to amend an act entitled, “an act allowing and regulating the writ of ad quod damnum, approved December 20, 1823;”

No. 143—An act to incorporate the Michigan City Manufacturing company;

In which the concurrence of the House is respectfully requested.

Said bill No. 126 was read the first and second times (the rules being suspended) and committed to the committee on the judiciary.

No. 143 was read three several times (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

The following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER—

The Senate has passed engrossed bills of the House of Representatives entitled as follows:

No. 99—An act to prevent speculation by collectors in Treasury Notes and other money;

No. 112—An act to incorporate the Terre-Haute cavalry;

No. 143—An act to incorporate the Greensburgh steam-mill and manufacturing company;

No. 189—An act in relation to school moneys deposited with the superintendent of the Loan Office;

No. 211—An act to incorporate the town of Mooresville, in Morgan county;

No. 256—An act for the relief of the heirs of John Sawyer, deceased.

No. 264—An act to incorporate the town of Wilmington in Dearborn county;

No. 298—An act to amend an act entitled “an act concerning enclosures and trespassing animals,” approved Feb. 17, 1838;

The last named with one amendment, in which the concurrence of the House is requested, and all the others without amendment.

The amendment to bill No. 298 of the Senate, was read and concurred in.

The following message was also received from the Senate

MR. SPEAKER—

The Senate has passed an engrossed bill thereof entitled,  
No. 98—An act relative to the Surplus Revenue of the United States allotted to Carroll county:

In which the concurrence of the House of Representatives is requested.

No. 98 mentioned in the message, was read three several times (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

The following message was also received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER—

The Senate has passed engrossed bills of the House of Representatives entitled as follows, viz:

No. 161—An act prescribing the duties of County Auditor;

No. 162—An act for the election of County Assessor;

No. 163—An act prescribing the duties of County Treasurer;

No. 164—An act pointing out the mode of levying taxes;

No. 162 without amendment, and Nos. 161, 163 and 164 with amendments, in which the concurrence of the house of Representatives is respectfully requested.

The amendments of the Senate to bill No. 161 named in the message were severally read and concurred in.

Also the amendments of the Senate to bill No. 163 named in the message were severally read and concurred in.

The amendments of the Senate to bill of the house No. 164 were severally read and concurred in by consent, excepting the tenth amendment thereof.

And the question being,

Will the house concur in said tenth amendment?

And the ayes and noes being demanded thereon by Messrs. Rayburn and Kerr,

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bradbury, Brown, Burton, Butler of V., Byers, Carr, Clark of D., Coffeen, Cole, Coleman, Conner, Dunn, Dunbar, Durbin, Foote, Hamer, Harrison, Hiatt, Kile, Lancaster, Leslie, McCrillis, Miller, Montgomery of Gibson,

Morgan, North, Peck, Quick, Robbins, Ross, Russell, Schoonover, Shanks, Sloan, Smydth of D., Walpole, Woodard, and Mr. Speaker—43.

*Those who voted in the negative were*

Messrs. Bowers, Bowles, Burgess, Butler of C., Casey, Champer, Chiles, Clark of F., Clark of Tip., Conwell, Defrees, Dowling, Farrington, Goodenow, Hanna, Harding, Harrah, Henley, Houghton, Howe, Jenckes, Kerr, Lucas, Mason, McCully, Newell of F., Rawlings, Reyburn, Rippey, Rose, Rulon, Runyan, Saylor, Shawhan, Shortridge, Smith of Fayette, Stanford, Sweetser of Grant, Sweetser of Marion, Terrell, Welch, and Wilson—42.

So said amendment was concurred in.

Mr. Lancaster moved a reconsideration of the vote on concurring in said tenth amendment.

And the question being put,  
It passed in the affirmative.

Mr. Dunn moved to concur in said amendment of the Senate with the following also,

“Strike out School and Seminary lands.”

Mr. Ball moved a division of the question, (being on striking out)

And the ayes and noes being demanded thereon by Messrs. Hamer and Shawhan,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Brown, Burgess, Carr, Clark of Dearborn, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Durbin, Farrington, Foote, Hamer, Hanna, Harding, Houghton, Howe, Jenckes, Mason, McCrillis, Morgan, North, Quick, Rippey, Robbins, Rose, Sloan, Terrell, Wilson and Mr. Speaker—35.

*Those who voted in the negative were*

Messrs. Akin, Blair, Blankenship, Bowers, Bowles, Bradbury, Burton, Butler of Cass, Butler of Vanderburgh, Byers, Casey, Clark of Fountain, Dowling, Dunbar, Elkins, Harrah, Harrison, Henley, Jones, Kerr, Lancaster, Leslie, McCoy, McCully, Miller, Montgomery of Gibson, Montgomery of Warren, Newell of F., Peck, Rawlings, Read, Rayburn, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Smydth of Daviess, Smith of F., Stanford, Sweetser of Grant, Sweetser of Marion, Walpole, and Woodard—48.

So the house refused to strike out.

The question then recurred on concurring in the tenth amendment,



And the ayes and noes being demanded thereon by Messrs. Butler of C. and Saylor,

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bradbury, Brenton, Burton, Byers, Carr, Casey, Clark of D., Coffeen, Cole, Conner, Dunbar, Durbin, Elkins, Foote, Hamer, Henley, Houghton, Jones, Leslie, McCoy, McCrillis, Miller, Montgomery of Warren, Morgan, Peck, Read, Robbins, Rose, Ross, Russell, Schoonover, Shanks, Sloan, Smydth of Daviess, Terrell, Walpole Woodard, and Mr. Speaker—43.

*Those who voted in the negative were,*

Messrs. Bowers, Bowles, Brown, Burgess, Butler of C, Butler of Van., Clark of Fountain, Clark of Tippecanoe, Coleman, Conwell, Defrees, Dowling, Dunn, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Howe, Jenckes, Kerr, Lancaster, Mason, McCully, Montgomery of G., Newell of Fountain, North, Rawlings, Rayburn, Rippey, Runyan, Saylor, Shawhan, Shortridge, Smith of F., Stanford, Sweetser of G., Sweetser of Marion, and Wilson,—41.

So said amendment was concurred in.

A PETITION WAS PRESENTED,

By Mr. Jenckes, of A. W. Morris, asking a compensation for preparing the revenue bills,

Referred to the committee on claims.

Mr. Defrees asked and obtained leave to introduce the following resolution,

*Resolved*, That the house will, the Senate concurring, proceed at 2 o'clock P. M. on Monday to the election of a State Librarian.

Which was adopted.

And Messrs. Defrees and Coleman were appointed tellers on the part of the house.

Mr. Sweetser of m. presented the petition of W. J. Brown,

Which was referred to the committee on claims.

Mr. McCully presented the memorial of sundry citizens of Carroll county on the subject of the removal of the county seat,

Which was referred to a select committee of Messrs. McCully, Schoonover and Wilson.

Mr. Robbins presented the petition David Kemp and others on the subject of repealing the act of last session restricting the jurisdiction of justices of the peace in Hamilton county to the townships in which they reside,

Which was referred to the same select committee to which petitions on that subject had been referred.

Mr. Montgomery of W. made the following report:

MR. SPEAKER—

The committee on Public Expenditures to whom was referred the report of the late Treasurer of State, have examined the several accounts and vouchers contained in the same, and have found them to be correct, and that they amount to nineteen hundred and eighty-six dollars and eighty-two cents; and have directed me to report the following resolution:

*Resolved*, That the late Treasurer of State be allowed nineteen hundred and eighty-six dollars and 82-100 being the amount of the disbursements on account of State House and expenditures of General Assembly for 1840 and 1841 up to the 3d February instant; and that the committee of ways and means be authorized to include the said amount in the specific appropriation bill.

Which was adopted.

Mr. Dowling, from the committee on canals and internal improvements, made the following report:

MR. SPEAKER—

The committee on canals and internal improvements, to whom was referred the petition of P. McGinley, have had the same under consideration, and have directed me to make the following report:

By a joint resolution of the General Assembly, approved Feb. 15, 1839, passed in accordance with the prayer of the petitioner, a suit was authorized against the State of Indiana in the circuit court of Floyd county, for the purpose of recovering his claim against the State for services rendered by him in the erection of a bridge across Silver Creek, on the New Albany and Jeffersonville road. That suit resulted in an award to the claimant of thirteen thousand five hundred dollars, as appears by a transcript from the proceedings of that court, duly certified.

The board of internal improvement, acting as the lawful agents of the State of Indiana, by their attorney, have taken an appeal to the Supreme Court of this State, before which tribunal it is now pending for final decision. This is the present condition of the claim, as arranged for legal adjudication.

The petitioner's just rights, as he sets them forth in his memorial, it is neither the disposition nor the duty of the committee to prejudge with partiality or disfavor, nor have its members felt themselves authorized, by any powers conferred by the *House*, to proceed to an examination of those legal questions involved in a claim of such magnitude. A full examination could not be expected from one of the standing committees, overloaded, as this has been, for weeks past, with matters requiring the early and unceasing attention of its members, and on the results of which, to some extent, depends the legitimate and pressing action of the Legislature.

In thus declining to interfere with questions both delicate and perplexing, we are conscious of doing no injustice to the petitioner. He is left, where found, before the highest court known to the laws of Indiana, at the bar of which he may expect a fair and impartial hearing, free alike from the errors of haste, the mistakes of ignorance, and the bias of prejudice.

Under these circumstances, it is not the wish of the committee to throw the slightest degree of suspicion over the justice of the claim set up by the petitioner, nor would they intimate any thing in derogation of the award rendered by the court below. Those questions will be fully decided by the tribunal having cognizance of the law and the facts. It is sufficient for the committee to know, in addition, that the petitioner selected the legal remedies within his reach for a decision of the matters at issue between himself and the State of Indiana—that the State, at his own urgent solicitations, became divested of invested sovereignty—placed herself on the platform of individual responsibility—abandoned her irresponsible position, and met one of her own citizens, in the humble attitude of a defendant, before a court of her own creation. The State, by her Agent doubts the justice of the award rendered, and seeks a remedy in an appeal. In this, she only assumes a right common to natural persons, of which she has not, and should not, divest herself. To the bar of a higher tribunal she now looks for the correction of alledged errors, and to that issue we respectfully direct the attention of the petitioner.

Entertaining these views, very briefly expressed, we recommend no legislative action, and ask to be discharged from the further consideration of the subject.

Mr. Runyan made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Kosciusko county, praying the vacation of part of a state road, have had the same under consideration, and have instructed me to report the following bill:

No. 340, to vacate a part of a state road therein named;

Which was read three several times, (the rules being suspended) and passed, and,

Ordered that the clerk inform the Senate thereof.

Mr. Sweetser of G. made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Wabash county, asking the incorporation of a certain turnpike therein named, have had the same under consideration, and directed me to report the accompanying bill:

No. 341, a bill to incorporate the Lagro and Manchester turnpike company;

Which was twice read, (the rules being dispensed with) and committed to the committee on corporations.

Mr. Howe introduced a bill,

No. 342, for the relief of the borrowers of the surplus revenue in the several counties in this state;

Which was read the first time and passed to a second reading on to-morrow.

The house then proceeded to the consideration of the orders of the day.

On motion of Mr. Jenckes,

No. 165, was taken from the table and placed upon the files of the house.

No. 294, to incorporate the preacher's aid society,

No. 295, to amend an act to incorporate the city of Richmond in Wayne county, approved Feb. 24, 1840.

No. 302, an engrossed bill extending the time to borrowers of the sinking fund.

No. 303, respecting licences for retailing spiritous liquors in the city of Richmond.

No. 324, an engrossed bill for the relief of Thomas Nichols.

No. 332, concerning petit jurors in certain counties therein named.

Were severally read the third time and passed.

Ordered that the Senate be informed thereof.

#### BILLS ON THE SECOND READING.

No. 310, a bill to amend an act regulating interest of money in the state of Indiana;

Was read the second time, when,

Mr. Leslie moved to strike out "six" wherever it occurs and insert "ten."

When Mr. Blair moved to lay the bill and amendment on the table.

And the ayes and noes being demanded thereon by Messrs. Conwell and Bowles.

#### *Those who voted in the affirmative were,*

Messrs. Akin, Ball, Blair, Blankenship, Bowers, Bradberry, Brown, Burgess, Byers, Carr, Casey, Champer, Clark of Dearborn, Coffeen, Coleman, Conner, Dunn, Dunbar, Durbin, Farrington, Foote, Goode-now, Hanna, Harrah, Harrison, Hiatt, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, McCrillis, Montgomery of W., Morgan, North, Peck, Quick, Rawlings, Rippey, Ross, Rulon, Russell, Saylor, Shortridge, Smydth of D., Sweetser of G., and Wilson—50.

#### *Those who voted in the negative were*

Messrs. Bowles, Brenton, Burton, Butler of Vanderburgh, Clark of

Fountain, Clark of Tipp., Cole, Conwell, Defrees, Dowling, Elkins, Hamer, Harding, Henley, Houghton, McCully, Miller, Montgomery of Gibson, Newell of F., Read, Rayburn, Rose, Schoonover, Shanks, Shawhan, Stanford, Sweetser of Marion, Terrell, Walpole, and Mr. Speaker—30.

So said bill and amendment were laid on the table.

No. 314, a bill relative to lands returned to the school commissioner of Laporte county;

Was read the second time and ordered to be engrossed for a third reading.

On motion of *Mr. Mason*,

Bills No. 284 and 285 were taken from the table and placed on the files of the house.

No. 312, a bill to incorporate the Hagerstown canal company;

Was read the second time, when,

*Mr. Henley* moved to amend by adding the following section:

Sec. This charter may be amended or revised at any time by any subsequent Legislature;

Which was adopted.

The bill was then ordered to be engrossed and read a third time on to morrow.

On motion,

The House adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

The House resumed its session.

No. 313, a bill to provide for the election of an additional justice of the peace, in the town of Putnamville in Putnam county;

Was read the second and third times (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

Leave of absence was granted to *Messrs. Chrisman* and *Sweetser* of G. and also to *Messrs. Newell* of W., *Robbins*, *Champer*, and *Freeman*, in consequence of indisposition.

On motion of *Mr. Clark* of T.,

The use of the Hall of the House of Representatives was given on next Tuesday evening, after 6 o'clock, to the State Agricultural Society.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared the engrossed with the original bills of the House as follows:

No. 324, for the relief of Thomas Nichols;

No. 332, concerning petit jurors in certain counties therein named;

And find the same correctly engrossed.

Mr. Butler of C. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of the following titles, and find the same duly enrolled, to-wit:

No. 159, an act to incorporate the town of Carlisle, in Sullivan county.

No. 107, an act to amend an act authorizing the appointment of Pilots at the Falls of the Ohio river, in this state, approved Feb. 1835.

No. 241, an act to authorize the citizens of Clay county to drain the round pond,

No. 209, an act to change the mode of selecting petit jurors, in Brown, Martin, and Owen counties.

No. 219, an act to provide for a state road therein named.

The following message was received from the Senate by Mr. Maguire their secretary:

MR. SPEAKER:

The Senate has concurred in the amendment made by the House of Representatives, to the second amendment of the Senate to bill, No. 143 of the house of representatives, entitled, an act for the regulation of the State Prison, approved Feb. 17, 1838;

The Senate has also passed engrossed bills of the House entitled,

No. 325, an act to locate a state road in Sullivan county;

No. 331, an act for the relief of A. B. Colmer;

No. 335, an act to provide for the election of an additional justice of the peace in Blufton, Wells county;

No. 327, an act for the relief of the Hancock county library;

No. 299, an act to amend an act to incorporate the town of Jeffersonville, approved Feb. 22, 1840;

No. 333, an act in relation to the jurisdiction of justices of the peace in Posey county;

All without amendment.

The following message was received from the Governor, by Mr. Moore, his private secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that on yesterday he approved and signed:

A joint resolution on the distribution of the proceeds of the public lands;

And that on this day he approved and signed,

An act to provide for the payment of the interest on the public debt, and to increase the stock of the State, in the State Bank, and to authorize said Bank to issue notes of a less denomination than five dollars;

Which originated in the house of representatives.

A motion was made by Mr. Dunn,

That the rules in relation to the priority of business, be suspended, and that the House resolve itself into committee of the whole, on the consideration of bills No. 166 and 178;

Which motion prevailed,

And the House went into committee of the whole on said bills, Mr. Stanford in the chair;

After some time spent therein, the Speaker resumed the chair, and the chairman reported that the committee had according to order, had said bills under consideration, and had instructed him to report the same back to the House, and ask to be discharged from the further consideration thereof;

Which report was concurred in, and the committee discharged.

Amendments to bill No. 166,

1st. Fill the blank in the 2d line of 1st section with '40;'

Being read, Mr. M'Crillis moved to amend the amendment of the committee as follows:

'Strike out '40' and insert '30.'

Mr. Farrington moved that the bill and amendments be laid on the table for the present;

Which motion did not prevail.

Mr. Henley moved a division of the question, on striking out,

And he and Mr. Clark of T. demanded the ayes and noes thereon;

*Those who voted in the affirmative were*

Messrs. Akin, Blair, Bowers, Bowles, Bradbury, Brenton, Burgess, Burton, Butler of c., Byers, Carr, Casey, Clark of F. Dunbar, Durbin, Elkins, Hamer, Henley, Hiatt, Howe, Leslie, Lucas, Mason, M'Coy, M'Crillis, Montgomery of W. Peck, Rawlings, Read, Rayburn, Ritchey, Rippey, Rose, Ross, Rulon, Runyan, Schoonover, Shanks, Smith of F. Stratton, Walpole, Wilson and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blankenship, Brown Butler of V. Chiles, Clark of Dearborn, Clark of T. Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Farrington, Foote, Goodenow, Hanna, Harding, Harrah, Harrison, Houghton, Jenckes, Jones, Kerr, Kile, M'Cully, Montgomery of G. Morgan, Newell of F. Newell of W. North, Quick, Russell, Saylor, Shawhan, Shortridge, Shoup, Smydth of D. Stanford, Sweetser of m. Terrell, Welch and Woodard.—46.

The House refused to strike out.

The question then being put, will the House concur in the first amendment of the committee,

And the ayes and noes being demanded thereon by Messrs. Henley and Kerr;

*Those who voted in the affirmative were*

Messrs Atherton, Ball, Blankenship, Brown, Butler of V. Chiles, Clark of Dearborn, Clark of T. Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Farrington, Foote, Goodenow, Hanna, Harding, Harrah, Houghton, Jenckes, Jones, Kerr, Kile, M'Cully, Newell of F. Newell of White, North, Quick, Russell, Saylor, Shawhan, Shortridge, Shoup, Smydth of D. Stanford, Sweetser of m. Terrell, Welch and Woodard—43.

*Those who voted in the negative were*

Messrs Akin, Blair, Bowers, Bowles, Bradbury, Brenton, Burgess, Burton, Butler of c., Byers, Carr, Casey, Clark of Fountain, Dunbar, Durbin, Elkins, Hamer, Harrison, Henley, Hiatt, Howe, Lancaster, Leslie, Lucas, Mason, M'Coy, M'Crillis, Montgomery of G. Montgomery of W. Morgan, Peck, Rawlings, Read, Rayburn, Ritchey, Rippey, Rose, Ross, Rulon, Runyan, Schoonover, Shanks, Sloan, Smith of F. Stratton, Walpole, Wilson and Mr. Speaker—48.

So the house refused to concur in the amendment of the committee.

The house then proceeded to the consideration of the 2d amendment of the committee of ways and means;

Which was as follows:

2d. Amendment, first section 3d line, by inserting after the word taxation these words,

'Also for state purposes a poll tax of one dollar on each poll subject to taxation by law.'

When Mr. Foote moved to amend by striking out 'one dollar' and inserting '80' cents.

Mr. Newell of F. proposed to fill the blank with - 90 cents.

" Jenckes, " " " " - 87½



“ Hanna,	“	“	“	-	-	75
“ Henley,	“	“	“	-	-	50
“ Chiles,	“	“	“	-	-	64

Mr. *Henley* moved a division of the question, on striking out, and he and Mr. *Conner* demanded the ayes and noes thereon;

*Those who voted in the affirmative were*

Messrs. *Akin*, *Ball*, *Blair*, *Blankenship*, *Bowers*, *Bowles*, *Bradbury*, *Brenton*, *Burgess*, *Burton*, *Butler of c.*, *Butler of V.* *Byers*, *Carr*, *Casey*, *Chiles*, *Clark of Dearborn*, *Clark of F.* *Clark of Tip.* *Coffeen*, *Cole*, *Coleman*, *Conner*, *Conwell*, *Dunn*, *Dunbar*, *Durbin*, *Elkins*, *Foote*, *Hamer*, *Harding*, *Harrah*, *Harrison*, *Henley*, *Hiatt*, *Howe*, *Kerr*, *Lancaster*, *Leslie*, *Lucas*, *Mason*, *M'Coy*, *M'Crillis*, *M'Cully*, *Montgomery of Warren*, *North*, *Peck*, *Quick*, *Rawlings*, *Read*, *Rayburn*, *Ritchey*, *Rippey*, *Rose*, *Rulon*, *Runyan*, *Saylor*, *Schoonover*, *Shanks*, *Shoup*, *Smydth of D.* *Stanford*, *Stratton*, *Sweetser of m.* *Walpole*, *Wilson* and *mr. Speaker*—67.

*Those who voted in the negative were*

Messrs. *Atherton*, *Brown*, *Defrees*, *Dowling*, *Farrington*, *Goodenow*, *Hanna*, *Houghton*, *Jenckes*, *Jones*, *Kile*, *Montgomery of G.* *Morgan*, *Newell of F.* *Newell of White*, *Ross*, *Russell*, *Shawhan*, *Shortridge*, *Sloan*, *Smith of F.* *Terrell*, *Welch* and *Woodard*—24.

So the house concurred in striking out one dollar.

The question then recurred on filling the blank;

And the first question being on the greatest sum, (being 90 cents,)

And the ayes and noes being demanded upon all the vote in relation to filling the blank by Messrs *Jenckes* and *Henley*.

*Those who voted in the affirmative were*

Messrs. *Atherton*, *Ball*, *Brown*, *Defrees*, *Dowling*, *Farrington*, *Goodenow*, *Hanna*, *Harding*, *Harrah*, *Houghton*, *Jenckes*, *Jones*, *Newell of F.*, *Newell of White*, *Ross*, *Russell*, *Saylor*, *Shawhan*, *Shortridge*, *Sloan*, *Smith of F.*, *Terrell*, *Welch*, and *Woodard*—25.

*Those who voted in the negative were*

Messrs. *Akin*, *Blair*, *Blankenship*, *Bowers*, *Bowles*, *Bradbury*, *Brenton*, *Burgess*, *Burton*, *Butler of Cass*, *Butler of Vanderburgh*, *Byers*, *Carr*, *Casey*, *Chiles*, *Clark of Dearborn*, *Clark of Fountain*, *Clark of Tippecanoe*, *Coffeen*, *Cole*, *Coleman*, *Conner*, *Conwell*, *Dunn*, *Dunbar*, *Durbin*, *Elkins*, *Foote*, *Hamer*, *Harrison*, *Henley*, *Hiatt*, *Howe*, *Kerr*, *Lancaster*, *Leslie*, *Lucas*, *Mason*, *McCoy*, *McCrillis*, *McCully*, *Montgomery of Gibson*, *Montgomery of Warren*, *Morgan*, *North*, *Peck*,

Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Rose, Rulon, Runyan, Schoonover, Shanks, Shoup, Smydth of Daviess, Stanford, Stratton, Sweetser of Marion, Walpole, Wilson, and Mr. Speaker—66.

So the house refused to fill the blank with 90 cents.

The question being next put on filling with "87½."

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Brown, Coffeen, Conwell, Defrees, Dowling, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Houghton, Jenckes, Jones, Kile, Newell of Fountain, Newell of W., Quick, Ross, Russell, Saylor, Shawhan, Shortridge, Sloan, Smith of Fayette, Stanford, Terrell, Welch and Woodard—31.

*Those who voted in the negative were*

Messrs. Akin, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Burgess, Burton, Butler of Cass, Butler of Vanderburgh, Byers, Carr, Casey, Chiles, Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Cole, Coleman, Conner, Dunn, Dunbar, Durbin, Elkins, Foote, Hamer, Henley, Hiatt, Howe, Kerr, Lancaster, Leslie, Lucas, Mason, McCoy, McCrillis, McCully, Montgomery of Gibson, Montgomery of Warren, Morgan, North, Peck, Rawlings, Read, Rayburn, Ritchey, Rippey, Rose, Rulon, Runyan, Schoonover, Shanks, Shoup, Smydth of Daviess, Stratton, Sweetser of Marion, Walpole, and Mr. Speaker—60.

So the house refused to fill the blank with 87½ cents.

The question being,

Shall the blank be filled with "75" cents.

*Those who voted in the affirmative were*

Messrs. Atherton, Blankenship, Bradbury, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Clark of Fountain, Clark of Tip., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Farrington, Foote, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Jenckes, Jones, Kerr, Kile, Mason, McCrillis, Montgomery of Gibson, Montgomery of Warren, Morgan, Newell of Fountain, Newell of White, North, Peck, Quick, Rose, Ross, Russell, Saylor, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of Marion, Terrell, Welch, Wilson, and Woodard—57.

*Those who voted in the negative were*

Messrs. Akin, Blair, Bowers, Bowles, Brenton, Burton, Byers, Carr, Casey, Chiles, Clark of Dearborn, Dunbar, Elkins, Henley, Howe, Lancaster, Leslie, Lucas, McCoy, McCully, Montgomery of Warren, Rawlings, Read, Rayburn, Ritchey, Rippey, Rulon, Runyan, Schoonover, Shanks, Shoup, Walpole, and Mr. Speaker—33.

So the blank was filled with the sum "75" as a poll tax, and the 2d amendment of the committee concurred in.

The third amendment of the committee was as follows:

3d. In 1st sec. 4th line strike out all after 'provided' and insert,

"That it is hereby declared that of the aforesaid tax of 40 cents on each \$100 valuation levied for said purposes, the sum of 15 cents thereof is rendered necessary to be levied and is hereby levied in order to meet the deficit in the Treasury of 1841 caused by the lessening of the taxes for 1840 below the actual wants of the State by the last General Assembly.

Mr. Henley moved to amend said third amendment as follows:

"That in consequence of the unwise and improvident legislation of Indiana from 1836 to 1838 inclusive, it is made necessary to impose a tax of ——— cents on the one hundred dollars for internal improvement purposes."

Mr. Walpole moved to lay the amendment of Mr. Henley on the table.

And the ayes and noes being demanded thereon by Messrs. Henley and Burton,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Bradbury, Brenton, Brown, Burgess, Butler of C., Butler of Vanderburgh, Chiles, Clark of Dearborn, Clark of Tip., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Farrington, Foote, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Kile, Lancaster, Mason, McCrillis, Montgomery of Warren, Morgan, Newell of Fountain, Newell of White, North, Quick, Rawlings, Ross, Runyan, Russell, Shawhan, Shortridge, Sloan, Smith of Fayette, Stanford, Stratton, Sweetser of Marion, Terrell, Walpole, Welch, Wilson, Woodard and Mr. Speaker—57.

*Those who voted in the negative were*

Messrs. Akin, Blair, Blankenship, Bowers, Bowles, Burton, Byers, Carr, Casey, Clark of Fountain, Conner, Dunbar, Henley, Houghton, Jones, Kerr, Leslie, Lucas, McCoy, McCully, Montgomery of G., Peck, Read, Ritchey, Rippey, Rose, Rulon, Saylor, and Shoup—29.

So said amendment was laid on the table.

Mr. Read moved to strike out the two last lines of the proviso in the 3d amendment of the committee of ways and means.

Pending which,

On motion,

The House adjourned until Monday morning 9 o'clock.

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MONDAY, FEBRUARY 8th, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maquire their secretary:

MR. SPEAKER—

The Senate has reciprocated the resolution of the house of representatives providing for proceeding this day at 2 o'clock, by joint ballot, to the election of a state Librarian.

And Messrs. Stevenson and Lowe are appointed tellers on the part of the Senate.

The Speaker laid before the house a communication from the Auditor of state,

Which was read and referred to the committee on claims.

On motion of Mr. Clark of T.,

The rules in relation to the priority of business were suspended, and the house proceeded to the consideration of the orders of the day so far as relates to bills 166 and 178.

When, Mr. Read withdrew his amendment pending when the house adjourned on Saturday last.

And the question recurred on the 2d amendment of the committee of ways and means, to-wit: on striking out the proviso.

When, Mr. Sweetser of m. moved a division of the question, (on striking out.)

And the ayes and noes being demanded thereon by Messrs. Sweetser of m. and Dunn,

*Those who voted in the affirmative were*

Messrs Akin, Ball, Blair, Blankenship, Bowers, Bowles, Brenton, Brown, Burgess, Burton, Butler of V. Byers, Carr, Casey, Champer, Chiles, Clark of Dearborn, Clark of F. Clark of Tip. Coffeen, Coleman, Conner, Defrees, Dowling, Dunbar, Durbin, Farrington, Foote, Graham, Hanna, Harding, Harrah, Harrison, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Lucas, Mason, M'Coy, M'Crillis, Miller, Montgomery of Gibson, Montgomery of W. Morgan, Newell of Fountain, North, Peck, Quick, Read, Rayburn, Rippey, Robbins, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Smydth of D. Smith of F. Stanford, Stratton, Sweetser of m. and Walpole—77.

*Those who voted in the negative were*

Messrs. Atherton, Bradbury, Cole, Conwell, Dunn, Elkins, Hamer, Kile, Newell of W. Rose, Ross, Sloan and mr. Speaker—13.

So said amendment was struck out.

Mr. Read then renewed his motion to strike out, when,

On motion of Mr. Clark of T.,

The amendment of the committee, together with the amendment proposed thereto by mr. Read, were laid on the table.

Mr. Dunn moved to fill the blank in the first section of the bill, with the sum of '40' cents.

And the ayes and noes being demanded thereon by messrs. Bowles and Carr;

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blankenship, Bowers, Brown, Burgess-Butler of V. Champer, Chiles, Clark of Dearborn, Clark of Tip. Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Farrington, Foote, Goodenow, Graham, Harding, Hanna, Harrah, Harrison, Hiatt, Houghton, Jenckes, Jones, Kerr, Kile, Mason, Miller, Montgomery of G. Newell of Fountain, Newell of W. North, Quick, Robbins, Rose, Russell, Saylor, Shawhan, Shortridge, Shoup, Smith of F. Smydth of D. Stanford, Stratton, Sweetser of m. Terrell, Welch, Woodard and mr. Speaker—56.

*Those who voted in the negative were*

Messrs. Akin, Blair, Bowles, Bradbury, Brenton, Burton, Byers, Casey, Carr, Clark of Fountain, Dunbar, Durbin, Elkins, Hamer, Henley, Howe, Lancaster, Leslie, Lucas, M'Coy, M'Crillis, M'Cully,

Montgomery of W. Morgan, Peck, Rawlings, Read, Rayburn, Rippey, Ross, Rulon, Runyan, Schoonover, Shanks, Soan, Walpole and Wilson—37.

So said blanks were filled with 40 cents.

Mr. Jenckes moved to reconsider the vote taken on Saturday upon filling the blank in the 2d section of the bill with seventy-five cents;

Which motion did not prevail.

The house then concurred in the fourth and fifth amendments made by the committee.

Mr. M'Coy moved to amend the second section of the bill by adding the following.

Add to 2d section the following;

Provided, That the county of Shelby shall pay but  $\frac{1}{2}$  of the proportionable amount that other counties pay, in as much as but about  $\frac{1}{2}$  of her citizens will be represented by the provisions of the apportionment bill;

Which amendment,

On motion of Mr. Clark of T.,

Was laid on the table.

Mr. Conner then moved to amend the bill by adding the following additional sections:

Sec. 3. Be it further enacted that there shall be assessed and collected on all lands that were liable to taxation in the year 1840, on which no tax was assessed or collected, fifteen cents on the one hundred dollars valuation thereof, in addition to the forty cents above provided to be assessed and collected.

Sec. 4. It is hereby made the duty of the boards doing county business, the clerk of the circuit court and the assessor, on the first Monday of May, to ascertain what lands escaped taxation in the year 1840, by comparing the tax book of said year with the tract books and the list of lands taken this year, and said board shall assess fifteen cents on the one hundred dollars valuation thereof, in addition to the tax of forty cents above provided to be assessed.

This act to be in force from and after its publication in the Indiana Journal and Democrat.

Which were adopted, and the bill was so amended.

Mr. Rayburn moved to amend the first section by adding,

In the 4th line after the word 'law' insert the following:

Provided, That the same deduction that is made from the valuation of seminary and school lands sold by the state on a credit, shall be made on canal lands.

Mr. Bowles moved to add the word 'Saline' after 'canal,'

And the ayes and noes being demanded by messrs M'Cully and Bowles;

*Those who voted in the affirmative were,*

Messrs. Akin, Atherton, Blair, Bowers, Bowles, Burton, Butler of c.

Clark of D. Clark of F. Clark of Tip., Coleman, Conwell, Defrees, Dunn, Elkins, Goodenow, Hamer, Hanna, Harding, Harrison, Hiatt, Houghton, Kerr, Lancaster, Leslie, Lucas, Mason, M'Cully, Newell of F. Newell of W. North, Rayburn, Rulon, Runyan, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Smydth of D. Smith of F. Stratton and Wilson—45.

*Those who voted in the negative were,*

Messrs. Ball, Blankenship, Bradbury, Brenton, Brown, Burgess Butler of V. Byers, Carr, Casey, Chiles, Coffeen, Cole, Conner, Dunbar, Durbin, Farrington, Foote, Harrah, Henley, Howe, Jenckes, Jones, M'Coy, M'Crillis, Miller, Montgomery of W. Morgan, Peck, Quick, Rippey, Robbins, Rose, Ross, Russell, Sloan, Stanford, Sweetser of M. Terrell, Walpole Woodard and Mr. Speaker—42.

So said amendment was agreed to.

Mr. Brenton then moved to amend the amendment by adding thereto the following:

'And all lands purchased from individuals upon which the purchase money has not been paid.'

Mr. Durbin moved to lay the pending amendment, and the amendment to the amendment upon the table.

Which motion prevailed, and the amendments were laid on the table.

Mr. Hanna moved to amend the bill by adding thereto the following proviso:

Provided, That nothing in this act or in any law in force, to authorize the collection of any tax upon that portion of the value of canal lands which are yet due the state.

Mr. Ball moved to lay the amendment on the table;

Which motion prevailed.

Mr. Hanna moved to amend by adding to the bill the following additional section;

The operation of the first section of an act entitled an act pointing out the mode of levying taxes, or so much as exempts from taxation the lands sold by the state, whether state seminary lands, Saline reservation lands, College lands, or any other lands sold by the state to individuals, is hereby suspended, and said lands are hereby declared subject to taxation, and it is made the duty of the proper officer to assess, and collect the revenue from the owner of said lands in the same manner, as other lands which are made taxable by the act above referred to.

Mr. Clark of T. moved to lay the amendment on the table.

And the ayes and noes being demanded thereon by messrs. Hanna and Bowles;

*Those who voted in the affirmative were,*

Messrs. Akin, Ball, Blair, Blankenship, Bradbury, Brenton, Burgess, Butler of V. Byers, Carr, Casey, Champer, Clark of D. Clark of F. Clark of Tip, Coffeen, Cole, Conner, Dunn, Durbin, Dunbar, Foote, Graham, Hamer, Harrah, Henley, Houghton, Jones, Kerr, Kile, Leslie, Lucas, Montgomery of W. Morgan, Peck, Quick, Ritchey, Robbins, Rose, Ross, Russell, Shanks, Shortridge, Shoup, Sloan, Sweetser of M. Wilson, Woodard and Mr. Speaker—48.

*Those who voted in the negative were,*

Messrs. Atherton, Bowers, Bowles, Brown, Butler of C., Chiles, Coleman, Conwell, Defrees, Farrington, Goodenow, Hanna, Harding, Harrison, Hiatt, Howe, Jenckes, Lancaster, Mason, M'Coy, M'Cully, Miller, Montgomery of G. Newell of F. Newell of W. North, Rayburn, Rippey, Rulon, Runyan, Saylor, Schoonover, Shawhan, Stanford, Terrell, Walpole and Welch—37.

So said amendment was laid on the table.

Mr. Montgomery of G. moved the following additional section:

That there be levied and collected the sum of ninety-five thousand dollars to meet the expenses of the civil list, and cents to be levied as a direct tax to pay the interest on the public debt, and for Internal Improvement purposes, to be apportioned amongst the different counties of this state, according to their representation;

Which, on motion of Mr. Clark of T.,

Was laid on the table.

Mr. Clark of T. then moved that the bill and amendments be considered as engrossed, and read a third time;

Which was agreed to;

And the question being shall the bill pass,

And the ayes and noes being demanded thereon by Messrs. Leslie and Rayburn;

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blankenship, Brown, Butler of V. Champer, Chiles, Clark of D. Clark of Tip. Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Farrington, Foote, Goodenow, Graham, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Jenckes, Jones, Kerr, Kile, Lancaster, Mason, Miller, Newell of F. Newell of W. North, Quick, Robbins, Rose, Russell, Saylor, Shawhan, Shortridge, Shoup, Smydth of D. Smith of F. Stanford, Stratton, Sweetser of M. Terrell, Welch and Woodard—53.



*Those who voted in the negative were*

Messrs. Akin, Blair, Bowers, Bowles, Bradbury, Brenton, Burgess, Burton, Butler of c., Carr, Casey Clark of F. Dunbar, Durbin, Elkins, Hamer, Henley, Howe, Leslie, Lucas, M'Coy, M'Cully, Montgomery of W. Montgomery of G. Morgan, Peck, Read, Rayburn, Ritchey, Rippey, Ross, Rulon, Runyan, Schoonover, Sloan, Walpole, Wilson and Mr. Speaker—38.

So said bill passed; and,

Ordered that the Senate be informed thereof.

No. 178, was then taken up, when,

On motion of Mr. Clark of T.,

The bill and pending amendment thereto were laid on the table.

The bills included in the motion of Mr. Clark of T. having been disposed of, the house then proceeded to the regular order of business.

The Speaker then laid before the house a communication from the Governor, inclosing a communication from the Governor of Pennsylvania, with sundry resolutions of the legislature of that state, on the subject of a distribution of the proceeds of the public lands, and a protective tariff;

Which were read, and laid on the table.

The following message was received from the Senate by Mr. Maguire, their secretary.

Mr. SPEAKER;

The Senate has concurred in the first amendment of the *House* of Representatives to the bill of the Senate No. 62, to suspend operations on the public works on account of the state, until they shall be classed, and to authorize individuals to advance means to prosecute them, with two amendments, and in the second amendment without amendment; in which amendments of the Senate to the 1st amendment of the House to said bill of the Senate, I am directed to request the concurrence of the House.

The Senate has also passed engrossed bills of the House of Representatives, entitled,

No. 116, an act to extend to the settlers on the Wabash and Erie canal lands the benefits of an act for the relief of settlers on the Wabash and Erie canal lands, approved Feb. 24, 1840;

No. 167, an act to revise and amend an act incorporating congressional townships, and providing for public schools therein, approved Feb. 17, 1838;

No. 313, an act to provide for the election of an additional justice of the peace in the town of Putnamville in Putnam county;

The last named without amendment, and the two first named with amendments, in which the concurrence of the House of Representatives is requested.

Mr. Sweetser of M. moved to lay so much of the above message as refers to bill No. 62, of the Senate upon the table;

And the ayes and noes being demanded thereon by Messrs. Brenton and Clark of D.

*Those who voted in the affirmative were,*

Messrs. Akin, Bowles, Brown, Burton, Butler of V., Champer, Clark of T., Coleman, Conwell, Defrees, Dowling, Farrington, Goodenow, Hanna, Harrison, Henley, Hiatt, Houghton, Howe, Jenckes, Jones, Kile, Lucas, Mason, M'Coy, Newell of F., North, Quick, Ritchey, Rippey, Robbins, Rulon, Russell, Schoonover, Shawhan, Smydth of D., Smith of F., Stanford, Sweetser of M., Terrell, Welch, Wilson, and Woodard—43.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blankenship, Bowers, Bradbury, Brenton, Burgess, Butler of C., Byers, Carr, Casey, Clark of D., Clark of F., Coffeen, Conner, Dunbar, Dunn, Durbin, Elkins, Foote, Graham, Hamer, Harding, Kerr, Lancaster, Leslie, M'Cully, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of W., Peck, Read, Rayburn, Rose, Ross, Runyan, Saylor, Shanks, Shoup, Sloan, Stratton, and Walpole—44.

So the house refused to lay that part of said message on the table.

Mr. Read moved to re-consider the vote just taken on laying the message of the Senate upon the table.

And the ayes and noes being demanded thereon by Messrs. Bowles and Walpole,

*Those who voted in the affirmative were,*

Messrs. Akin, Blair, Bowles, Brown, Burton, Butler of V., Casey, Champer, Clark of F., Clark of T., Cole, Dowling, Farrington, Goodenow, Henley, Houghton, Jenckes, Kile, Leslie, Lucas, M'Coy, Miller, Montgomery of G., Newell of F., Quick, Read, Rayburn, Ritchey, Rippey, Rulon, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Smydth of D., Smith of F., Standford, Sweetser of M., Terrell, Welch, Wilson, and Woodard—41.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blankenship, Bowers, Bradbury, Brenton, Burgess, Butler of C., Byers, Carr, Clark of D., Coffeen, Coleman, Conner, Conwell, Defrees, Dunn, Dunbar, Durbin, Elkins, Foote, Graham, Hamar, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jones, Kerr, Lancaster, Mason, M'Culley, Montgomery of W., Morgan, Newell of W., North, Peck, Robbins, Rose, Ross, Runyan, Russell, Saylor, Sloan, Stratton, and Walpole—49.

So the house refused to re-consider said vote.

Mr. Bowles moved to concur in the amendment of the Senate with the following amendment:

“Provided no lettings shall be made by the board on any of the works embraced in the first class, until the money shall be obtained by the fund commissioners, or other agent of the State.”

Which the Speaker decided to be not in order.

From which decision Mr. Bowles took an appeal to the house; when,

Mr. Sweetser of M. moved to lay on the table that part of the message of the Senate which refers to bill No. 62, the question of order, and the appeal taken.

And the ayes and noes being demanded thereon by Messrs. Burton and Walpole,

*Those who voted in the affirmative were,*

Messrs. Akin, Blair, Brown, Butler of V., Casey, Champer, Clark of F., Coleman, Conner, Conwell, Defrees, Dowling, Elkins, Farrington, Graham, Hanna, Harding, Harrison, Henley, Houghton, Howe, Jenckes, Jones, Kile, Leslie, Lucas, Mason, M'Culley, Montgomery of G., Newell of F., Quick, Read, Rippey, Robbins, Rulon, Schoonover, Shanks, Shortridge, Shoup, Smydth of D., Smith of F., Stanford, Sweetser of M., Terrell, Welch, Wilson, Woodard, and Mr. Speaker—48.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blankenship, Bowers, Bowles, Bradbury, Brenton, Burgess, Burton, Byers, Carr, Clark of D., Coffeen, Cole, Dunn, Dunbar, Durbin, Foote, Goodenow, Hamer, Harrah, Hiatt, Kerr, Miller, Montgomery of W., Morgan, Newell of W., North, Peck, Rayburn, Ritchey, Rose, Ross, Runyan, Russell, Saylor, Shawhan, Sloan, Stratton, and Walpole—40.

So that part of the message, with the appeal, were laid on the table.

No. 116 mentioned in the message was then taken up and the amendment of the Senate thereto concurred in.

No. 167 in the message was then taken up and the 1st, 2d, 4th and 6th amendments of the Senate thereto concurred in; and the 3d amendment being under consideration,

Mr. Clark of Tippecanoe, moved to concur therein with an amendment,

Which was to strike out “twenty per cent.” where it occurs, and insert in lieu thereof “ten per cent.”

Which was agreed to.

To the 5th amendment of the Senate,

Mr. Stanford moved to concur with an amendment,

When, Mr. Clark of T. moved that so much of the message of the Senate as refers to bill No. 167 be laid on the table.

Which motion prevailed.

Mr. Shortridge made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the petition of certain citizens of Harrison township, Vigo county, praying that the jurisdiction given to the mayor and marshal of the town of Terre-Haute, be limited to the boundaries of the corporation, and also the remonstrance of the citizens of Terre Haute against any such an alteration of the charter of said town, have had the same under consideration and have directed me to report that as the number of remonstrances greatly exceeds the number of the petitioners, and that under all the circumstances they deem it inexpedient to legislate on the subject, and they ask to be discharged from the further consideration thereof.

Which was concurred in, and the committee was so discharged.

Mr. Coffeen made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred a bill to incorporate the Lagro and Manchester Turnpike company, have had the same under consideration and have directed me to report the same back to the house with the following amendments and recommend its passage.

Which were read and concurred in, and the bill and amendments ordered to be engrossed for a third reading on to-morrow.

Mr. Shoup made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred bill No. 326, have had the same under consideration, and have directed me to report the same back to the house with one additional section, to-wit:

Sec. 43. The legislature reserves the right to alter or amend this act at any time.

Which amendment was concurred in, and the bill and amendment considered as engrossed, read a third time, the rules being suspended, and passed; and,

Ordered that the Senate be informed thereof.

Mr. Runyan made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred the petition of sundry citizens of Marion county, praying the repeal of that part

of an act passed in the session of 1837 incorporating that part of the donation lying west of White river, have according to order had the same under consideration and instructed me to report the accompanying bill,

No. 243—A bill to repeal a part of an act incorporating the town of Indianapolis.

Which was read a first time and passed to a second reading on tomorrow.

Mr. Bowers made the following report:

Mr. SPEAKER—

The committee on corporations to whom was referred bill No. 328 of the house entitled, a bill to incorporate the town of Connersville, have had the same under consideration and have instructed me to report the same back to the house with two amendments, and to recommend their adoption.

Which amendments were read and concurred in, the bill considered as engrossed, read a third time and passed; and,

Ordered that the Senate be informed thereof.

Mr. Champer made the following report:

Mr. SPEAKER,

The committee on Federal Relations to whom was referred the memorial of the "New York Historical Society" have had the same under consideration. The committee appreciate the laudable motives of that society, and believe the request of the memorialists to be reasonable and proper. They are also of opinion that the object desired by the society if effected will promote the moral, political and literary interests of the whole country and therefore feel deeply interested in the objects of such an institution, and have therefore instructed me to report the following joint resolution in accordance with the wish of the society.

No. 344—A joint resolution in relation to the Historical Society of the State of New-York,

Which was read a first and second times, the rules being suspended, when,

Mr. Walpole moved to amend the resolution by striking out the words "Revised Statutes,"

Which was not agreed to.

The joint resolution was then read a third time, the rules being suspended, and passed, and

Ordered that the clerk inform the Senate thereof.

Mr. Champer made the following report:

MR. SPEAKER—

The committee on Federal Relations to whom was referred bill of the house of Representatives No. 307 fixing the per diem allowance of members of the General Assembly, with instructions to strike out two dollars per day and insert that "each member fix his own salary not to exceed three dollars per day," have bestowed on that subject peculiar attention, and a majority has directed me to make the following

### R E P O R T :

In ordinary times of political prosperity the committee would not regard a curtailment of so small an item as a reduction of the per diem allowance of the pay of members of the Legislature, one-third or even one-half below the present pay a matter of great consequence. But at this time when all is gloom and darkness, when pecuniary embarrassment and distress are discovered through the interstices of every log-cabin in the country, a small saving is worthy the attention of those whose duty it is to protect the rights and immunities of the laboring and voting classes of the community. The time has now arrived in the history of our state, in the opinion of your committee, when those holding office by the suffrages of the people should be willing to make some sacrifices. This conclusion is the more forcible when we look around us and behold the great sacrifices made by the people themselves, who hold in their grasp the sovereign power. The committee are not insensible to the force of the argument so often held out to view, that low wages serve to drive from the contest for office the poorer, as also the better qualified. The former because unable to contend with the more wealthy for office, which when obtained will not afford to the occupant a support, and the latter because they can employ their time and leisure better than to accept of an office which does not afford an adequate compensation. We think the first objection has nothing in it. High and low when applied in common parlance are mere relative terms. In a country where board would cost from \$10 to 15 per week, and other articles of use a like proportionate price, then indeed even \$3.00 would not be sufficient; but in this country where good and *substantial* boarding can be had at from \$2.50 to 5.00 per week, and all other necessary articles are of a relative value one dollar and fifty cents per day would be better pay than \$3.00 in the former instance. So far as the second proposition is concerned it is believed that salaries in this state are not generally too low. At least low salaries have not had the effect that the arguments of those who oppose them are intended to prove. It is a fact well known to all who have troubled themselves the least with the investigation of this subject, that the present salaries command the services of the best men of the state. We suppose it not yet forgotten by the citizens of the state, that in 1836 we embarked in a glorious system of Internal Improvements which has with all its excellence in a slight degree in-

volved us in a state debt of between \$13,000,000 and 14,000,000, in conjunction with our other liabilities. In view of this whole subject the committee propose to reduce the pay of members from \$3.00 per day, the present salary, to \$1.50; and when they examine the facts they think the same reason for that reduction now exists, as did to raise the wages to \$3.00 at the time it was done. At that time the produce of the country was about 100 per cent. higher than it now is. It is true perhaps that the reduction here proposed will not help us much in our present embarrassments but they are sure it will aid some.

We must put down the number of both branches of the legislature hereafter at 150. Then if we suppose that subsequent sessions will average in length ten weeks each, which is thought not to be extravagant, the amount saved to the state every year by such reduction will not fall short of \$17,000. The committee think it is but fair to expect of all such as are in the proper spirit of democracy and have that regard for economy which is so necessary to a people situated as we are, to be willing to offer up their private interests, in part at least, upon the altar of their country's good, particularly if in doing so they should alleviate the burdens and oppression under which the people are groaning in pecuniary matters.

They therefore recommend that the bill referred to them be struck out from the enacting clause and the following be inserted.

Which was read, when,

Mr. Sweetser of m. from the same committee, informed the house that in the above report he did not concur.

Mr. Casey then moved that the bill and amendment of the committee be referred to the committee on the affairs of the town of Indianapolis.

Which motion prevailed, and the bill and amendment were so referred.

On motion of Mr. Jenckes,

*Resolved*, That N. B. Palmer, late Treasurer, be allowed forty-eight dollars for that amount received by him as Treasurer of State in the last seven years that proved to be counterfeit, and that the committee of ways and means be instructed to insert the same in the specific appropriation bill.

On motion,

The house adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House resumed its session.

Mr. Graham offered for adoption the following resolution:

*Resolved*, That the Senate be invited to attend instanter in the hall of the house of representatives to proceed to the election of a State Librarian, and that seats be provided for them on the right of the Speaker's chair.

Which was adopted.

Ordered that the Senate be informed thereof.

The Speaker laid before the house a communication from the Treasurer of State,

Which was read and laid on the table.

The Senate then came into the hall of the house of representatives and took their seats on the right of the Speaker's chair; the President of the Senate on the right of the Speaker, and both branches of the General Assembly proceeded by joint ballot in convention, to the election of State Librarian.

Upon counting the first ballot it appeared that

John Cook	received	35	votes.
A. C. Sullivan	"	17	"
John F. Ramsey	"	21	"
Arthur Hill	"	26	"
Jesse Hare	"	12	"
A. A. Louden	"	10	"
Scattering	"	6	"

No person having received a majority of all the votes given, the convention proceeded in like manner to a second balloting.

And upon counting the second ballot it appeared that

John Cook	received	50	votes.
A. Hill	"	41	"
J. F. Ramsey,	"	18	"
A. C. Sullivan	"	13	"
A. A. Louden	"	7	"
J. Hare	"	1	"
Scattering	"	4	"

No person having received a majority of all the votes given, the convention proceeded to a third balloting.



Upon counting the third ballot it appeared that

J. Cook received	63 votes.
A. Hill “	56 “
J. F. Ramsey “	7 “
Scattering “	7 “

No person having received a majority of all the votes, the convention proceeded to a fourth balloting.

Upon counting the fourth ballot it appeared that

J. Cook received	67 votes.
A. Hill “	65 “
Scattering “	3 “

No person having received a majority of all the votes given, the convention proceeded to a fifth balloting.

And upon counting the fifth balloting it appeared that

J. Cook received	79 votes.
A. Hill “	57 “
Scattering “	1 “

John Cook having received a majority of all the votes given, was by the President of the Senate, in presence of both houses of the General Assembly, declared duly elected State Librarian, to serve as such for the term of three years, from and after this time.

The convention then adjourned.

The Senate retired to their chamber.

And the house proceeded to the regular order of business, being reports from select committees.

Mr. Graham from a select committee made the following report;

Mr. SPEAKER—

The select committee to whom was referred the petition of Chester Elliott, have had the same under consideration, and have directed me to report, that it is inexpedient to legislate upon that subject.

Said report was concurred in.

Mr. Walpole made the following report:

Mr. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Hancock county, have had the same under consideration and instruct me to report the following bill to-wit:

Bill No. 345, entitled, a bill for the relief of John H. Hopper, of Hancock county,

Which was read the first time and passed to a second reading on tomorrow.

Mr. Blankenship made the following report;

Mr. SPEAKER—

The select committee to whom was referred sundry petitions of Adams township, Morgan county, have had the same under consideration and have directed me to make the following report: That it is inexpedient to legislate on the several subjects therein, except so much as refers to the declaring of Mud creek and Mill Fork of Eel river public highways, to which branch of said petitions they have directed me to report a bill in accordance with the prayer of said petitioners:

No. 346, to declare Mud creek and Mill Fork of Eel river public highways, for certain purposes therein named;

Which was read three several times, (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

Mr. Hanna made the following report:

Mr. SPEAKER:

The select committee to whom was referred the communication of the Governor, recommending that the operation of the 5th section of an act entitled an act for the relief of the Miami and others Indians, be suspended, have had that subject under consideration and directed me to report the following joint resolution, and recommend its adoption, to-wit:

No. 347, a joint resolution suspending the fifth section of an act passed at the present session of the General Assembly, entitled an act for the relief of the Miami and other Indians;

Which was read three several times, (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

On motion of Mr. Smith of F.,

The rules in relation to the priority of business were suspended, and leave was given him to make the following report from the committee of canals and Internal Improvements:

Mr. SPEAKER;

The committee on canals and internal improvements to which were referred a bill of the House, entitled a bill, to authorize the payment of contractors on the Wabash and Erie canal east of the mouth of Tippécanoe river, and for other purposes, have had the same under

consideration and directed me to report the same back with one amendment, which is by striking it out from the title and insert the following as an amendment:

The amendment of the committee to said bill was read and concurred in, the bill considered as engrossed, read a third time and passed. Ordered that the Senate be informed thereof.

Mr. Jones made the following report:

Mr. SPEAKER;

The committee on canals and internal improvements to whom was referred joint resolution, No. 263, relative to the Wabash and Erie canal, have had the same under consideration, and have directed me to report the same to the House and recommend its passage.

On motion of Mr. Hanna;

Said joint resolution was laid on the table.

Mr. Byers made the following report:

Mr. SPEAKER—

The select committee to whom was referred a petition of sundry citizens of Owen and Monroe counties, praying a change of certain state roads therein named, have had the same under consideration, and have instructed me to report the following bill:

No. 348, a bill to change certain state roads therein named;

Which was read three several times, (the rules being suspended) and passed, and,

Ordered that the Senate be informed thereof.

Mr. Kerr made the following report:

Mr. SPEAKER--

The select committee to whom was referred the petitions of David Kemp, Gardner Perry and others, praying the repeal of an act entitled an act to regulate the jurisdiction of justices of the peace in the county of Hamilton, approved Feb. 18, 1840, have had the subject under consideration and have directed me to report the following bill:

No. 349, a bill to repeal an act entitled an act regulating the jurisdiction of justices of the peace in the county of Hamilton, approved February 18, 1840;

Which was read three several times (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

On motion of Mr. Clark of T.,

Bill No. 167, was taken from the table, and

Mr. Stanford moved to concur in the 5th amendment of the Senate with the following:

Strike out of the proviso the words "either" before township, and or "districts" after township, and add the following:

And provided also, that if the qualified voters of any school district fail or neglect to hold the annual election for district trustees or make the return thereof, according to law it shall be the duty of the proper township clerk to appoint such trustees;

Which was agreed to.

And then the House concurred in the 6th amendment of the Senate.

#### BILLS INTRODUCED.

By Mr. Howe, a joint resolution relative to the state library;  
Which was read the first time and passed to a second reading.

By Mr. Sweetser of M.,

No. 351, a bill to provide for the further prosecution of the Madison and Indianapolis rail road;

Which was read the first time and passed to a second reading.

By Mr. Kile, No. 352, a bill to locate and change the name of a certain state road therein named;

Which which read the first, second and third times, (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

By Mr. Blair, No. 353, a bill supplementary to the act entitled an act to authorizing the building a bridge across Laughery creek in Ripley county;

Which was read the first time, when,

Mr. Bowers moved that said bill be rejected.

And the ayes and noes being demanded thereon by Messrs. Blair and Cole.

*Those who voted in the affirmative were,*

Messrs. Akin, Atherton, Ball, Bowers, Bowles, Bradbury, Brenton, Brown, Burgess, Burton, Butler of C., Butler of V., Byers, Carr, Clark of F., Coffeen, Conner, Dunbar, Elkins, Goodenow, Hamer, Harrah, Houghton, Howe, Kile, Leslie, McCully, Miller, Newell of W., Rayburn, Ritchey, Rippey, Rose, Rulon, Russell, Saylor, Shawhan, Shortridge, Sloan, Sweetser of M., and Woodard—41.

*Those who voted in the negative were,*

Messrs. Blair, Champer, Clark of D., Cole, Conwell, Dunn, Farrington, Foote, Hanna, Jenckes, Kerr, Lancaster, McCoy, Montgomery of W., Morgan, North, Peck, Quick, Rawlings, Read, Runyan, Schoonover, Shanks, Shoup, and Mr. Speaker—25.

So said bill was rejected.

By Mr. Shoup, No. 354, a bill relative to the White-water canal;

Which was read the first time and passed to a second reading on tomorrow.

By Mr. Champer, bill No. 355, a bill giving to plaintiffs an election to bring suit on forfeited delivery bonds or to pursue their remedy further by execution at their election;

Which was read the first time and passed to a second reading.

By Mr. McCully, No. 357, a bill supplemental to an act entitled an act pointing out the mode of levying taxes;

Which was read twice, (the rules being suspended) and passed to a third reading.

By Mr. Rayburn, a bill No. 358, authorizing purchasers of the Wabash and Erie canal lands to pay interest thereon;

Was read the first time and passed to a second reading.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared the engrossed with the original bills of the House as follows:

No. 314, relative to lands returned to the school commissioners of Laporte county;

No. 312, to incorporate the Hagerstown canal company.

And find the same correctly engrossed.

Mr. Byers made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate, and find the same correctly enrolled, as follows, to-wit:

No. 107, an act for the relief of David Stiver.

No. 90, an act to amend an act relative to crime and punishment, approved Feb. 10, 1831.

The following message was received from the Senate by Mr. Maquire their secretary:

MR. SPEAKER:

The Senate has passed without amendment, an engrossed bill of the House of Representatives, entitled,

No. 223, an act to legalize and give effect to certain official acts of the late clerk of Floyd circuit court.

On motion,

The House adjourned until to-morrow morning 9 o'clock,

TUESDAY, FEBRUARY 9th, 1841.

The House met pursuant to adjournment.

Mr. McCoy introduced the following protest, which was read and placed upon the journal of the house.

The undersigned members of the House of Representatives availing themselves of their constitutional right, would respectfully represent that on the 5th, day of January a bill passed this house, entitled, "A bill for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana," against which the undersigned would most solemnly protest, for the following among other reasons.

First. That ours is a government of delegated powers in which the great mass of the people surrender their inherent individual rights of legislation, to those whom they may delegate for that purpose, thereby rendering legislative assemblies more wieldy, and consequently legislation more practicable, with the undoubted condition that all counties or districts of country shall be represented according to the number of white male inhabitants of the age of twenty-one years.

It would seem almost unnecessary to undertake to prove that which every true American would readily admit, inasmuch as every enactment we have upon this subject, goes clearly and conclusively to settle this point, from the first organization of this Republic down to the present time.

The declaration of independence to which our revolutionary fathers gave their most hearty sanction, recognized this right, and as an evidence of their sincerity, sustained it even with their life's blood, and secured to their posterity one of the rights which the undersigned now avail themselves of. That instrument declares "That all men are created equal." Then if all men are created equal, the undersigned are justifiable in concluding that equality in representation is a right which none dare dispute. Again, the constitution of the U. S. is not wanting in this salutary provision. This instrument which was also sanctioned by our revolutionary fathers, and which all profess to recognize as their proper rule of action, secures to us this inestimable right. It contains the following provisions upon this point. "Article 1st, section 3. Representatives and direct taxes shall be apportioned among the several states, which may be included within this union according to their respective numbers." Thus it will be perceived that the constitution of the U. S. not only secures us in our just representation, but it also secures us against excessive taxation in all cases of a national character. By an act of Congress "entitled an act to enable the people of Indiana territory to form a constitution and state government and for the admission of such state into the union on an equal

footing with the original states, approved April 19th, 1816," we find ourselves further secured in the rights and privileges of a republican form of Government. That act contains the following proviso; to-wit: "That the same (meaning the state government) whenever formed shall be republican and not repugnant to those articles of the ordinance of the 13th of July, one thousand seven hundred and eighty-seven." One of which reads as follows. "So soon as there shall be five thousand free male inhabitants of full age in the district upon giving proof thereof to the governor, they shall receive authority with time and place to elect representatives from their counties or townships to represent them in the General Assembly, provided that for every five hundred free male inhabitants there shall be one representative and so on progressively,"

Thus it will be perceived that the signers of the declaration of independence, the framers of the constitution of the U. S., the Congress of the 19th of April, 1816, and the Congress of the 13th of July, 1787, by their acts have placed it beyond the shadow of a doubt, that no legislative body in this state at least has a right to pass a bill disfranchising a part of the voters of any county.

But if there yet remain a doubt upon this subject, it is in the opinion of the undersigned put at rest by the second section of the third article of the constitution of the state of Indiana, which contains the following provision. That the General Assembly shall cause an enumeration to be made of all the white male inhabitants above the age of twenty-one years. The number of representatives shall at the several periods of making such enumeration be fixed by the General Assembly, and apportioned among the several counties according to the number of white male inhabitants above twenty-one years of age in each.

Second. The act of 1840, makes it the duty of the Secretary of state on the second Monday of the next session of the General Assembly, to furnish the Speaker of the *House of Representative*, and the President of the Senate each, for the inspection of their respective *Houses* with a certified statement exhibiting the whole number returned from each county agreeably to the provisions of the act above referred to. This act is, it is presumed the basis upon which the apportionment has been made. And as this is the only legal basis of which the undersigned are aware, they will avail themselves of it for the purpose of drawing comparisons between the county of Shelby and some of the other counties, which the undersigned will refer to with a view to ascertain whether this bill was passed in accordance with the authorities which have been adduced.

The county of Shelby has returned 2178 votes, as the total amount of free white male inhabitants over the age of twenty one years. And for that number has been allowed one Senator and one representative, while the county of Knox with 347 poles less than Shelby has the same representation, Ripley with 482 less, Vermillion with 529 less, Floyd with 693 less, and Switzerland with 720 less, the same representation of Shelby. While the county of Lawrence with but 11

polls more than Shelby has an additional representative three years out of five, or a representative three years out of five for her 11 additional voters. Daviess and Martin with 24 polls less than Shelby, an additional representative three years out of five, Brown and Bartholomew with 51 less, an additional representative two years out of five. And Hancock and Madison with 494 polls more than Shelby three representatives, or in other words two representatives for their 494 additional votes over Shelby. If this be an apportionment in accordance with the authorities heretofore referred to, the undersigned must acknowledge their ignorance of the construction which should be put upon the language contained in those authorities. In each of the above examples, the representation in the Senate is the same that it is in Shelby.

Third. The undersigned would most solemnly protest against the action of the majority of this House, in discharging the committee (a part of whom were whigs and a part democrats) from the further consideration of the subject of the apportionment bill, while they were going on to discharge the duties enjoined upon them, thereby affording the Speaker an opportunity of appointing a committee composed entirely of his own political partizans, by which the minority of this House were deprived of any representation whatever in the drafting of this bill. Had the Speaker given the minority of this House a representation in that committee, there would have been less cause for complaint, but upon the contrary, they were left as a portion of the county of Shelby will be left—without any representation,

Fourth. The undersigned would further protest against the right which this Legislature assumes to tax the citizens of Shelby, except so far as they are represented. For the undersigned hold it to be a principle as well established in this republic as the principle that "all men are born free and equal," that we have no right to tax those whom we do not admit as participants in the affairs of our government.

The undersigned could urge many other objections to the passage of this bill, but they deem it unnecessary, as enough has been said to satisfy an unprejudiced community, that justice has not been done at least to the county which they represent.

W. W. M'COY,  
J. B. LUCAS,

The following message was received from the Senate by Mr. Maguire, their secretary.

MR. SPEAKER:

The Senate has passed bills of the House of Representatives, entitled,

No. 259, an act to secure the safety of the public funds, by requiring bonds of certain officers;



No. 340, an act to vacate a part of a state road therein named;  
The first named with an amendment, in which the concurrence of the *House* of Representative is requested, and the last named without amendment.

Also engrossed bills of the *Senate* entitled,  
No. 151, an act changing the name of William Wallace;  
No. 152, an act authorizing suits to be brought in the name of the agent of an unincorporated society.

In which I am directed to ask the concurrence of the *House* of Representatives.

The amendment to bill No. 259 was read; when,  
On motion of Mr. *Hanna*,  
The amendment of the *Senate* was concurred in with the following amendment,

Which was 'to strike out superintendents and,'  
No. 151, named in the message was read three several times, the rules being suspended and passed.

Ordered that the *Senate* be informed thereof.  
No. 152, of the *Senate*, named in the message,  
Was read the first and second times, rules suspended, and committed to the judiciary committee.

The following message was received from the *Senate* by Mr. *Maquire*.

MR. SPEAKER:

The *Senate* has passed engrossed bills of the *House* of Representatives entitled as follows, without amendment, viz:

No. 268, an act for the relief of Alexandar Beard;  
No. 303, an act respecting licenses for retailing spiritous liquors in the city of Richmond;

No. 339, an act to legalize the meetings of the trustees of the *Lafayette* collegiate institute;

Also the following bill of the *House* with amendments viz:  
No. 332, an act concerning petit jurors in certain counties therein named;

In which the concurrence of the *House* is requested.  
Also the *Senate* has passed engrossed bills thereof entitled,  
No. 154, an act to incorporate the Centre church of *Crawfordsville*;  
No. 153, an act to enable George G. *Dunn*, guardian of the minor heirs of *Moses Fell* deceased, to convey certain real estate.

In which the concurrence of the *House* is requested.  
The first amendment to bill No. 332 named in the message being read,

Mr. *Blair* moved to concur with an amendment, which was to insert "Decatur county."

Which was agreed to.

And the second and third amendments to said bill were then concurred in.

Bills No. 153 and 154 named in the message,

Were read three several times (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

Mr. Russell presented the petition of Thomas Bowman and others, on the subject of a state road,

Which was referred to the committee on roads.

Mr. Brenton made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred a bill of the Senate No. 150, entitled, a bill to admit as evidence the official act of foreign Mayors, Recorders and Aldermen of cities and Notaries Public, have considered the same, and have instructed me to report the same back to the house and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed accordingly.

Mr. Howe made the following report:

MR. SPEAKER—

The committee on the judiciary to which was referred bill of the house No. 337, entitled, "An act supplemental to the 13th section of an act entitled an act subjecting real and personal estate to execution, approved February 4th, 1831," have directed me to report the same back without any amendment whatever, and unanimously recommend its passage.

The report being read,

Mr. Durbin moved that bill No. 337, named in the report be laid on the table.

Which motion did not prevail.

Mr. Burton moved that the bill be considered as engrossed and read a third time now,

Which motion prevailed.

And the question being,

Shall said bill pass?

And the ayes and noes being demanded thereon by Messrs. Durbin and Leslie,

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brown, Burton, Butler of C., Chiles, Clark of Dearborn, Clark of Fountain, Clark of Tip., Coffeen, Cole, Coleman, Conwell,

Dunn, Dunbar, Foote, Hiatt, Howe, Lucas, McCoy, McCully, Miller, Montgomery of Warren, Newell of White, Rayburn, Rippey, Robbins, Rose, Saylor, Shanks, Shortridge, Stratton, Sweetser of Grant, Sweetser of Marion, Walpole, Welch; and Mr. Speaker—44.

*Those who voted in the negative were*

Messrs. Brenton, Butler of Vanderburgh, Byers, Carr, Casey, Champer, Conner, Defrees, Dowling, Durbin, Farrington, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Houghton, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, McCrillis, Morgan, Newell of Fountain, North, Peck, Quick, Rawlings, Ross, Rulon, Runyan, Russell, Shawhan, Sloan, Smith of Fayette, Terrell, Wilson, and Woodard—43.

So said bill passed.

On motion of Mr. Clark of T.,  
The vote on the passage of bill No. 337 was reconsidered.  
And it being again put on its passage,  
And the ayes and noes being demanded thereon by Messrs. Leslie and Durbin,

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Ball, Blair, Bowers, Bowles, Bradbury, Brown, Burgess, Burton, Butler of C., Chiles, Clark of D., Clark of Fountain, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conwell, Dunn, Dunbar, Elkins, Foote, Harding, Hiatt, Howe, Kile, Lucas, Mason, McCoy, McCully, Miller, Montgomery of Warren, Newell of White, Rayburn, Rippey, Rose, Shanks, Shortridge, Shoup, Stratton, Sweetser of G., Walpole and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Blankenship, Brenton, Butler of Van., Byers, Carr, Casey, Champer, Conner, Defrees, Dowling, Durbin, Farrington, Goodenow, Graham, Hamer, Hanna, Harrah, Harrison, Houghton, Jenckes, Jones, Kerr, Lancaster, Leslie, McCrillis, Morgan, Newell of Fountain, North, Peck, Quick, Rawlings, Robbins, Ross, Rulon, Runyan, Russell, Schoonover, Shawhan, Sloan, Smith of F., Terrell, Wilson, and Woodard—44.

So said bill did not pass.

MR. SPEAKER—

The committee on the judiciary to which was referred the petition of Isaac Spaulding, commissioner of the three per cent. fund of Black-

ford county, on the subject of the three per cent. and surplus revenue funds, being of opinion that provision on the subject ought to be made not only for Blackford county, but also for all new counties, which have been organized since the distribution of the surplus revenue, and which have been carved out of old counties, and not provided for in the distribution of the three per cent fund, have directed me to report the following resolution of the committee.

*Resolved by the Judiciary committee,* That in their opinion the aforesaid petition should be referred to a select committee consisting of the members directly interested in said new counties, with instructions to frame a bill in accordance with the foregoing report.

Said report was concurred in and the resolution so referred.

Mr. Walpole from the judiciary committee made the following report:

MR. SPEAKER—

The judiciary committee to whom was referred bill of the Senate No. 126, entitled a bill to amend an act entitled an act allowing and regulating the writ of ad quod damnum, approved December 20th, 1823, have according to order had the same under consideration, and instruct me to report the same back to the House of Representatives, and recommend that the same be indefinitely postponed.

The house refused to concur in the report of the committee.

When, Mr. Walpole moved to lay said bill on the table,

And he and Mr. Terrell demanded the ayes and noes thereon,

*Those who voted in the affirmative were*

Messrs. Akin, Blair, Brenton, Burton, Butler of Vanderburgh, Carr, Chiles. Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Conner, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin, Elkins, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Houghton, Howe, Jenckes, Kerr, Kile, McCoy, McCrillis, McCully, Miller, Montgomery of Warren, Morgan, Newell of F., Newell of White, Rawlings, Rippey, Robbins, Rose, Rulon, Runyan, Saylor, Schoonover, Shanks, Shortridge, Shoup, Sloan, Terrell, Walpole, Wilson, Woodard, and Mr. Speaker—44.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Bowers, Bowles, Bradbury, Brown, Burgess, Byers, Casey, Coffeen, Cole, Coleman, Hanna, Henley, Hiatt, Lancaster, Leslie, Mason, North, Quick, Rayburn, Russell, Shawhan, Stanford, Stratton, Sweetser of Grant, and Sweetser of Marion—37.

So said bill was laid on the table.

Mr. SPEAKER--

The committee on Roads to which was referred sundry petitions on the subject of State roads from the persons following, to wit:

From John C. Ball and others, Jesse Johnson and others, Moses Cutler and others, and John Wright and others, presented by Mr. Ball.

From Jacob Metsker and others, and Mahlon C. Frame and others, presented by Mr. Sweetser of G.

From Lewis W. Purviance and others, Anson Coulson and others, and Jacob H. Sanders and others, presented by Mr. Rulon.

From James Concannon and others, and David Camell and others, presented by Mr. Montgomery of W.

From Hiram Clark and others, and D. W. Perine and others, presented by Mr. Clark of D.

From James Stottson and others, presented by Mr. Blankenship.

From Jonathan Quackenbush and others, presented by Mr. Freeman.

From Samuel Recards and others, presented by Mr. Durbin.

From J. M. Defrees and others, presented by Mr. Rayburn.

From B. W. Scott and others, presented by Mr. Atherton.

From David Fisher and others, presented by Mr. McCulley.

Have had the same under consideration and respectfully beg leave to report:

That they find all of them without the affidavit required by the 14th section of an act entitled an act to amend an act entitled an act relative to public roads and highways. Your committee entertain the opinion that a compliance with the provisions of this section of law on the part of petitioners, as an indispensable prerequisite, without which their prayers should not be heard. Let us for a moment notice the arguments of gentlemen opposed to this law. They object to it as unconstitutional and inexpedient, whilst the committee believe it is neither. Who ever doubted the constitutionality or expediency of the law requiring all persons desirous of obtaining county roads to give notice of their intention to petition the board doing county business. Although this law has been in force ever since our State took its existence, no sensible man ever doubted the propriety of it.

So strictly does the laws of our State guard the rights of her citizens, that no man can get even a cart-way to the door of his nearest neighbor, without giving notice by written advertisement, put up in three of the most public places in his township, of his intention to petition the board doing county business for that purpose. Yet all agree that these laws are constitutional, expedient, and salutary in their effects, and that gross impositions would daily be practiced without them. If these laws are necessary to prevent the practice of frauds in obtaining county roads and even cart-ways, before the boards doing county business, where it is but reasonable to suppose that the geography of the county and those interested are much better known than they possibly can be to the legislature, how much more necessary is

it that petitions coming up here should be guarded in the same manner, and be received with the same caution.

Your committee cannot for a moment assent to the opinion that legislators can judge correctly without knowledge, more than other men. And the only object of this law is that petitioners shall furnish the legislature with proof that they have not taken the advantage of their neighbors, and what we ask could be more reasonable. If further evidence of the imperious necessity that exists for such a law was wanting, it is to be found in these very petitions now reported back to the House. In many of them we find the most bitter complaints of roads having been located, changed and vacated by secret intrigues and sly underhanded advantages, and in some of them we find appeals to the legislature to pass just such a law as now exists to prevent the perpetration of like frauds in future.

Believing the law to be necessary to protect the honest and unsuspecting against the wiles and intrigues of the designing, and that it cannot operate to the injury of any honest man—And believing that legislators are as much in duty bound to observe all laws whilst they remain in force, as other members of community—And knowing as they do, that this *House* has by a decisive vote refused to repeal the law above referred to, they have come to the conclusion that they are not authorized to act upon the above named petitions, and recommend that they be laid on the table there to remain, and the committee discharged from the further consideration thereof.

Which report was read and concurred in.

Mr. Morgan also made the following report:

MR. SPEAKER;

The committee on roads to which was referred bills of the House numbered 27, 32, 41, 57, 58, 75, 84, 85, 86, 111, 197, 260, and 261, and bill of the Senate No. 9, and also the following petitions, viz:

Of William C. Graves and others, Andrew Lucky and others, Thomas Skinner and others, Thomas Leman and others, Wilmot C. Munson and others, G. F. Whitaker and others, and A. Chamberlain and others.

Have had all these various subjects under consideration and respectfully ask leave to

#### REPORT :

That they have in accordance with the instructions of the *House*, (but contrary to their own sense of propriety) incorporated the substance of all the bills referred into one bill, and have added a section in accordance with the prayer of each one of the above petitions. Your committee recommend that the bills and petitions above enumerated be laid on the table, and that the bill herewith submitted, entitled:

“A bill to establish certain State roads therein named, and for other purposes;”

Be passed, and the committee discharged from the further consideration of all the subjects embraced in this report.

Said report was concurred in.

And bill No. 359, a bill to establish certain State roads therein named, and for other purposes;

Was read the first and second times, the rules being suspended, and laid on the table.

Mr. Montgomery of W. made the following report:

MR. SPEAKER—

The committee on public expenditures have examined the account presented by John and Nathan Lister of \$75, for conveying the corpse of the late Hon. George Boon from Indianapolis to Sullivan county, have learned by the present sergeant-at-arms, who accompanied the said Lister, that it required about eight days to perform the journey going to, and returning from said place. The committee are of opinion that five dollars per day would be a liberal compensation for the services rendered; and directed me to report the accompanying resolutions.

*Resolved*, That John & Nathan Lister be allowed forty dollars for conveying the corpse of the late Hon. George Boon from Indianapolis to his residence in Sullivan county, and that the committee of ways and means be instructed to include the above amount in the specific appropriation bill.

*Resolved*, That Joseph I. Stretcher be allowed sixteen dollars for making coffin and box for coffin, for the late Hon. George Boon, and that the committee of ways and means be instructed to include said amount in the specific appropriation bill.

Mr. Morgan moved to amend the first resolution by striking out forty, and inserting twenty-four;

Which was agreed to.

And the resolutions were then adopted.

Mr. Mason introduced a bill, No. 360, providing for the payment of the debt due the State Bank and for the redemption of the Treasury Notes;

Which was read the first time and passed to a second reading on to-morrow.

Mr. Stratton made the following report:

MR. SPEAKER;

The select committee (composed of the members from the sixth judicial circuit) to whom was referred a bill of the Senate, No. 244, entitled a bill to fix the time of holding the courts in the sixth judicial circuit, have had the same under consideration and have directed me

to report the same back without amendment and recommend its passage.

Said bill was then read a third time and passed.

Ordered that the Senate be informed thereof.

Mr. McCully made the following report:

Mr. SPEAKER;

The select committee to whom was referred the petition of Timothy Gridley and others, of Carroll county, praying for the re-location of the county seat of said county, have according to order had the same under consideration, and have directed me to report, that whereas said petition is only signed by seventy-one citizens of said county, we deem it inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of that subject.

The report was concurred in, and the committee discharged.

The following message was received from the Senate by Mr. Maguire their Secretary:

Mr. SPEAKER—

The Senate has concurred in the amendments made by the House of Representatives to the 3d and 5th amendments made by the Senate to the bill of the House of Representatives, entitled No. 167, an act to revise and amend an act incorporating Congressional townships and providing for public schools therein, approved Feb. 17, 1838.

The Senate has also passed bills of the House of Representatives, without amendment, entitled,

No. 346, an act to declare Mud creek and Mill Fork of Eel river public highways for certain purposes therein named;

No. 347, a joint resolution suspending the 5th section of an act passed the present session of the General Assembly, entitled, an act for the relief of the Miami and other Indians;

No. 348, an act to change certain state roads therein named;

No. 349, an act to repeal an act regulating the jurisdiction of justices of the peace in the county of Hamilton, approved February 18, 1840;

No. 352, an act to locate and change the name of certain roads therein named;

On motion of Mr. Jenckes,

*Resolved*, That the committee on claims examine what allowance should be made the auditor for additional services rendered by him during the last year in issuing treasury notes, and that they report the amount so due.

#### BILLS INTRODUCED.

By Mr. Mason, a joint resolution, No. 361, supplemental to an act to provide for the completion of that portion of the Cross-cut canal



which lies between the Feeder dam and Terre Haute, approved Jan. 30, 1841.

By Mr. Chiles, bill No 362, to provide for completing the bridge across the Walnut Fork of Eel river.

By Mr. Elkins, bill No. 363, to amend an act entitled an act regulating prisons and prison bounds.

By Mr. Rippey, bill No. 364, to prevent frauds in elections.

Were severally read the first time and passed to a second reading on to-morrow:

Mr. Howe introduced a bill No. 365, supplemental to an act fixing the times of holding circuit courts in the 8th judicial circuit;

Which was read three times, (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

Mr. Coleman moved to reconsider the vote on the rejection of bill of the Senate, No. 55, to modify the system of internal improvements.

Mr. Durbin moved that said motion of *Mr. Coleman* be laid on the table.

Which motion did not prevail.

The question then recurred on the motion of *Mr. Coleman* to reconsider.

And the ayes and noes being demanded thereon by *Messrs. Coleman* and *Durbin*.

*Those who voted in the affirmative were,*

*Messrs. Atherton, Ball, Bradbury, Burgess, Burton, Butler of C., Chiles, Coffeen, Coleman, Conwell, Defrees, Dowling, Elkins, Farrington, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Jenckes, Kile, Lancaster, Mason, Miller, Morgan, Newell of F., Newell of W., North, Quick, Rayburn, Robbins, Rose, Russell, Schoonover, Shanks, Shawhan, Shoup, Smith of F., Standford, Terrell, Walpole, Welch, Wilson, Woodard, and Mr. Speaker—47.*

*Those who voted in the negative were,*

*Messrs. Akin, Blair, Blankenship, Bowles, Brenton, Brown, Butler of V., Byers, Carr, Casey, Champer, Clark, of D., Clark of F., Clark of T., Cole, Conner, Dunn, Dunbar, Durbin, Foote, Goodenow, Graham, Henley, Howe, Jones, Kerr, Leslie, Lucas, McCoy, McCrillis, McCully, Montgomery of G., Peck, Rawlings, Read, Ritchey, Rippey, Ross, Rulon, Saylor, Shortridge, Sloan, Smydth of D., Stratton, and Sweetser of Grant—45.*

So said vote was reconsidered.

The question then being put,

Shall the bill be rejected?

And the ayes and noes being demanded thereon by Messrs. Rayburn and Henley.

*Those who voted in the affirmative were*

Messrs. Akin, Blair, Blankenship, Bowles, Brenton, Brown, Butler of V., Byers, Carr, Casey, Champer, Clark of D., Clark of F., Clark of T., Cole, Conner, Dunn, Dunbar, Durbin, Foote, Goodenow, Graham, Henley, Howe, Jones, Kerr, Leslie, Lucas, McCoy, McCrillis, McCully, Montgomery of W., North, Peck, Rawlings, Read, Ritchey, Rippey, Ross, Rulon, Saylor, Shortridge, Sloan, Sweetser of G., and Welch—45.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Bradbury, Burgess, Burton, Butler of Cass, Chiles, Coffeen, Coleman, Conwell, Defrees, Dowling, Elkins, Farrington, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Jenckes, Kile, Lancaster, Mason, Miller, Morgan, Newell of F., Newell of W., Quick, Rayburn, Robbins, Rose, Runyan, Russell, Schoonover, Shanks, Shawhan, Shoup, Smydth of D., Smith of F., Stanford, Stratton, Terrell, Walpole, Wilson, Woodard, and Mr. Speaker—48.

So said bill was not rejected.

Mr. Stanford moved that the bill be read a second time now, when, Mr. Henley enquired of the chair whether it did not require a vote of two-thirds of the House to suspend the rules, that the bill may be read a second time now.

Whereupon the Speaker decided that when a bill has been read on a previous day and rejected, and afterwards on a succeeding day the vote on rejection is reconsidered, that then a bare majority of the House may order the bill to a second reading now.

From which decision, Mr. Clark of T. took an appeal to the House; And the question being put,

Shall the decision of the Chair stand as the judgement of this House?

And the ayes and noes being demanded thereon by Messrs. Clark of T. and Henley.

*Those who voted in the affirmative were,*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bradberry, Burgess, Chiles, Coffeen, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kile, Lancaster, Mason, Montgomery of W., Morgan, Newell of White, North, Quick, Rayburn, Rose, Ross, Runyan, Russell, Saylor, Shawhan, Shoup, Smith of F., Stanford, Stratton, Terrell, Walpole, Welch, Wilson, and Mr. Speaker—51.

*Those who voted in the negative were,*

Messrs. Bowers, Bowles, Brenton, Brown, Burton, Butler of V., Byers, Carr, Casey, Champer, Clark of F., Clark of T., Cole, Conner, Dunbar, Durbin, Foote, Graham, Henley, Kerr, Leslie, Lucas, McCoy, McCrillis, McCully, Newell of F., Peck, Rawlings, Ritchey, Rippey, Robbins, Rulon, Shanks, Shortridge, Sloan, Sweetser of G., Sweetser of Marion, and Woodard—38.

So the decision of the Chair was affirmed.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared the engrossed with the original bills of the House as follows:

No. 341, to incorporate the Lagro and Manchester turnpike company;

No. 355, to incorporate the Portage bridge company;

And find the same correctly engrossed.

On motion,

The House adjourned until 2 o'clock P. M.

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2 o'clock, P. M.

The House met pursuant to adjournment.

Leave of absence was asked and obtained for Messrs. Montgomery of Gibson and Robbins, on account of indisposition.

Mr. Dowling moved a call of the House,

Which was ordered.

And upon the roll being called, it appeared that the following gentlemen were absent, viz:

Messrs. Butler of V., Ritchey, Smydth of D., Sweetser of Marion, and Terrell.

On motion,

The rule was suspended, and further proceedings on the call dispensed with.

The question then being on reading bill No. 55 of the Senate a second time,

And the ayes and noes being demanded thereon by *Messrs. Bowles and Saylor*,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Bowers, Bradbury, Brenton, Burgess, Butler of C., Chiles, Coffeen, Coleman, Conwell, Defrees, Dowling, Elkins: Farrington, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, *Houghton*, Jenckes, Lancaster, *Mason*, Miller, Morgan, Newell of F., Newell of W., Quick, Rayburn, Rose, Runyan, Russell, Schoonover, Shanks, Shawhan, Shoup, Smith of F., Stanford, Stratton, Sweetser of Marion, Terrell, *Walpole*, Welch, Wilson, Woodard, and Mr. Speaker—48.

*Those who voted in the negative were*

Messrs. Akin, Blair, Blankenship, Bowles, Brown, Burton, Butler of V., Byers, Carr, Casey, Champer, Clark of D., Clark of F., Clark of Tip., Cole, Conner, Dunn, Dunbar, Durbin, Foote, Goodenow, Graham, Henley, Howe, Jones, Kerr, Kile, Leslie, Lucas, *McCoy*, *McCrillis*, *McCully*, Montgomery of W., North, Peck, Rawlings, Read, Rippey, Ross, Rulon, Saylor, Shortridge, Sloan, and Sweetser of Grant—44.

So said bill was read a second time.

Mr. Jones then moved to amend the bill by striking it out from the enacting clause and inserting the following:

Sec. 1. That the board of Internal Improvements be and they are hereby prohibited from making any additional lettings upon the public works, except as is provided by this act, until the said works shall have been classed, and the work or works to be first prosecuted shall have been designated by law.

Sec. 2. No sale of state bonds for the purpose of prosecuting the public works, shall be made during the suspension, contemplated by this act, nor shall such sale for said purpose ever be made of any bonds of the state, bearing a higher rate of interest than five per centum per annum, nor upon any other terms than for for cash and at par.

Sec. 3. The board of Internal Improvements shall take general charge and superintendence of the public works, and prevent their dilapidation and decay as far as practicable, and shall suggest to the legislature such measures as may be necessary for that purpose from time to time. The charges incurred under this section of this act shall be audited by the auditor of Public Accounts, and be paid out of the Treasury.

Sec. 4. It shall be lawful for any individual or individuals, corporation or corporations, the State Bank of Indiana excepted, to advance to the State of Indiana the amount of money required to complete any of the public works of the state, such person or corporation designating

the work or part of work, on which the money so advanced shall be expended.

Sec. 5. That when the board of Internal Improvements shall have been informed of the subscription of an amount sufficient to complete any portion of such work, which said board may deem of sufficient consequence to justify the attention of the state, it shall be their duty to put under contract such work or part of work, and furnish the necessary officers to superintend the same.

Sec. 6. That when said money is so subscribed before putting said work or part of work under contract, the board of Internal Improvements shall require one fourth of said money to be paid into the branch of the State Bank of Indiana, nearest the proposed work, to the credit of the Treasurer of State, and the remainder thereof to be secured by well endorsed negotiable paper, payable at such branch Bank to the order of the Treasurer of State, at such time or times as may be designated by said board.

Sec. 7. If the work or works selected by such person or corporation advancing said money, be a turnpike road, then such person or persons, (with the consent of the board of Internal Improvements,) shall have the right to determine whether the same be completed as a Macadamized or clay turnpike, or with a track of each.

Sec. 8. So soon as such work or portion of work shall be prepared therefor, the board of Internal Improvements shall cause toll gates and houses to be erected out of the funds of such persons or corporations, and shall, from time to time, fix the rate of toll, until the same be established by law; said board shall employ toll gatherers, and require bond and security of them in such sum as may be deemed proper by said board, and shall exercise a general supervisory control over such toll gatherers, and make full reports of the amount of toll received to the legislature, at the commencement of each session thereof.

Sec. 9. The tolls received on such work are hereby appropriated, first, to the necessary repairs and incidental expenses of said work, to be applied under the direction of the board of Internal Improvements, and out of the residue thereof, semi-annual dividends shall be made by said board to the State and to the individuals or corporations advancing money as aforesaid, for the completion of said work or part of work, according to the length of line completed by the parties respectively.

The payments of said dividends to the State shall be made by said board in the branch of the State Bank of Indiana at Indianapolis, to the credit of the Treasurer of State, who is hereby authorized and required to check for the same, to meet the appropriations made by law: *Provided*, that the State reserve to herself the right of purchasing the interest of such person or persons, corporation or corporations, at any time after fifteen years from the passage of this act, by paying to such person or persons the amount of money advanced, with six per centum interest per annum thereon, from the date of such advancement or advancements.

Sec. 10. Whenever any of said roads or parts thereof, shall be out

of repair, so as to make the reception of tolls unjust, the board of Internal Improvements are directed to cause one or more gates to be thrown open, so as to make the tolls equitable, until the road shall have been put in repair.

Sec. 11. The advances made under the 6th section of this act, shall be holden as security for the installments remaining unpaid, and the amount paid in, shall be forfeited to the State, on failure to pay the installments secured under the provisions of this act: The persons or corporations advancing money under the provisions of this act, may transfer on the books of the board of Internal Improvements, their interest in the work, with the consent of the board.

Sec. 12. No moneys arising from our State securities shall be applied to the completion of any portion of the public works, until the provisions of the 5th section of an act entitled an act for the relief of contractors and others engaged on the public works, shall have been complied with, passed at the session of '39 and '40.

Sec. 13. That the provisions of this act shall not extend to the Wabash and Erie Canal, between the mouth of Tippecanoe river and Terre-Haute, provided Congress shall confirm the title to the lands claimed by the State of Indiana, for the construction of said canal; provided further, that nothing in this act contained shall be so construed as to prevent the expenditure of any unexpended appropriation heretofore made, for the purpose of removing the obstructions in the rapids of the Wabash river, according to the true intent and meaning of the act of 1836, and of the additional appropriation for said river.

Sec. 14. This act to take effect and be in force from and after its passage.

Mr. Conwell moved to lay the amendment on the table.

And the ayes and noes being demanded thereon by Messrs. Dunn and Durbin,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Bradbury, Burgess, Butler of C., Chiles, Coffeen, Coleman, Conwell, Defrees, Dowling, Elkins, Farrington, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Jenckes, Lancaster, Mason, Morgan, Newell of F., Quick, Rayburn, Rose, Ross, Runyan, Russell, Schoonover, Shawhan, Shoup, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Welch, Wilson, Woodard, and Mr. Speaker—44.

*Those who voted in the negative were,*

Messrs. Akin, Blair, Blankenship, Bowers, Bowles, Brenton, Brown, Butler of V., Byers, Carr, Casey, Champer, Clark of D., Clark of F., Clark of T., Cole, Conner, Dunn, Dunbar, Durbin, Foote, Goodenow, Graham, Henley, Howe, Jones, Kerr, Leslie, Lucas, M'Crillis, M'Cully, Miller, Montgomery of W., Newell of W., North, Peck, Raw-

lings, Read, Ritchey, Rippey, Rulon, Saylor, Shanks, Shortridge, Sloan, and Walpole—46.

So the *House* refused to lay the amendment on the table.

Mr. Lancaster then moved the previous question.

Pending which,

Mr. Champer moved that the *House* adjourn till to-morrow morning 9 o'clock.

And the ayes and noes being demanded thereon by Messrs. Champer and Henley,

*Those who voted in the affirmative were,*

Messrs. Akin, Bowles, Brown, Butler of V., Casey, Champer, Dunn, Dunbar, Durbin, Henley, Lucas, Rulon, and Sweetser of G.—13.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Burgess, Butler of C., Byers, Carr, Chiles, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Elkins, Farrington, Foote, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Leslie, Mason, M'Coy, M'Crillis, Miller, Montgomery of W., Morgan, Newell of F., North, Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Rose, Ross, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton, Sweetser of M., Terrell, Walpole, Welch, Wilson, Woodard, and Mr. Speaker—77.

So the *House* refused to adjourn.

The question then recurring on seconding the call for the previous question;

And the ayes and noes being demanded by Messrs. Bowles and Blair,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Bradbury, Butler of C., Chiles, Coffeen, Coleman, Conwell, Defrees, Dowling, Elkins, Farrington, Harding, Harrah, Harrison, Hiatt, Houghton, Jenckes, Lancaster, Mason, Miller, Morgan, Quick, Rayburn, Rose, Ross, Runyan, Shawhan, Shoup, Smith of F., Stanford, Stratton, Sweetser of M., Terrell, Welch, Wilson, and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Akin, Blair, Blankenship, Bowers, Bowles, Brenton, Brown, Burgess, Butler of V., Byers, Carr, Casey, Champer, Clark of D., Clark of F., Clark of T., Cole, Conner, Dunn, Dunbar, Durbin, Foote, Goodenow, Graham, Hamer, Henley, Howe, Jones, Kerr, Leslie

Lucas, M'Coy, M'Culley, M'Crillis, Montgomery of W., Newell of F., Newell of W., North, Peck, Rawlings, Read, Ritchey, Rippey, Rulon; Russell, Saylor, Schoonover, Shanks, Shortridge, Sloan, Sweetser of G., Walpole, and Woodard—54.

So said previous question was not sustained.

Mr. Walpole moved to amend the amendment by adding the following additional section:

The rail-road from Vernon to Edinburgh and the White-water canal from Brookville to Connersville, shall be prosecuted to completion, as soon as sufficient funds shall be realized out of the suspended debt of the State, and all the rest of the works contemplated by the act of 1836, may be prosecuted as provided for by this act.

Mr. Read moved to lay the bill and pending amendments on the table,

And the ayes and noes being demanded thereon by Messrs. Clark of D. and Brenton,

*Those who voted in the affirmative were,*

Messrs. Akin, Blair, Blankenship, Bowles, Brown, Butler of V., Byers, Casey, Champer, Clark of D., Clark of F., Clark of T., Cole, Conner, Dunn, Dunbar, Durbin, Foote, Graham, Hanna, Henley, Jones, Kerr, Leslie, Lucas, M'Coy, M'Crillis, M'Culley, Montgomery of W., North, Peck, Rawlings, Read, Ritchey, Ross, Rulon, Runyan, Saylor, Shortridge, Sloan, and Sweetser of M.—41.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Bowers, Bradbury, Brenton, Burgess, Butler of C., Carr, Chiles, Coffeen, Coleman, Conwell, Defrees, Dowling, Elkins, Farrington, Goodenow, Hamar, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Lancaster, Mason, Miller, Morgan, Newell of F., Quick, Rayburn, Rippey, Rose, Russell, Schoonover, Shanks, Shawhan, Shoup, Smith of F., Standford, Stratton, Sweetser of G., Terrell, Walpole, Welch, Wilson, Woodard, and Mr. Speaker—49.

So said bill and amendments were not laid on the table.

Mr. Henley moved to commit the bill and pending amendments to a select committee, with instructions to report the amount it will require to complete the works placed in the first class, as contemplated in the bill.

And the ayes and noes being demanded,

*Those who voted in the affirmative were,*

Messrs. Akin, Blair, Blankenship, Bowers, Bowles, Brown, Burton, Butler of V., Byers, Carr, Casey, Champer, Clark of D., Clark of F., Clark of T., Cole, Conner, Dunn, Dunbar, Durbin, Foote, Goodenow, Graham, Henley, Jones, Kerr, Leslie, Lucas, M'Coy, M'Crillis, M'



Cully, Miller, Montgomery of W., Newell of F., North, Peck, Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Shanks, Shortridge, Sloan, and Sweetser of G.—47.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Bradbury, Brenton, Burgess, Butler of C., Chiles, Coffeen, Coleman, Conwell, Defrees, Dowling, Elkins, Farrington, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Lancaster, Mason, Morgan, Newell of W., Quick, Rayburn, Rose, Ross, Runyan, Russell, Schoonover, Shawhan, Shoup, Smith of F., Stanford, Stratton, Sweetser of M., Terrell, Walpole, Welch, Wilson, Woodard, and Mr. Speaker—46.

So said bill and amendments were not committed.

The question then recurring on Mr. Walpole's amendment,

And the ayes and noes being demanded thereon by Messrs Walpole and Brenton;

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Bowers, Bradbury, Brenton, Butler of c., Chiles, Coffeen, Conwell, Defrees, Dowling, Elkins, Farrington, Goodenow, Harding, Hiatt, Jenckes, Montgomery of W. Morgan, Newell of F. Newell of W. Peck, Quick, Rawlings Rayburn, Ritchey, Rose, Ross, Runyan, Shawhan, Shoup, Smith of F. Stanford, Stratton, Sweetser of M. Terrell, Walpole, Welch and Woodard—41.

*Those who voted in the negative were*

Messrs. Akin, Blair, Bowles, Brown, Burgess, Butler of V. Byers, Carr, Casey Champer, Clark of D. Clark of F. Clark of Tip. Cole, Coleman, Conner, Dunn, Dunbar Durbin, Foote, Graham, Hamer, Harrah, Harrison, Houghton, Howe, Jones, Kerr, Lancaster, Leslie, Lucas, Mason, M'Coy, M'Crillis, M'Cully, Miller, North, Read, Rippey, Rulon, Russell, Saylor, Schoonover, Shanks, Shortridge, Sloan, Sweetser of G. Wilson and Mr. Speaker—48.

And so said amendment was not adopted.

Mr. Sweetser of M. then moved to lay the bill and the pending amendment on the table,

And the ayes and noes being demanded thereon by Messrs. Chiles and Bowles;

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Blair, Blankenship, Bowers, Bowles, Brenton, Brown, Burton, Butler of C. Butler of V. Byers, Casey, Champer, Chiles, Clark of D. Clark of F. Clark of Tip. Coffeen, Cole, Con-

ner, Dowling, Dunn, Dunbar, Durbin, Elkins, Foote, Goodenow, Graham, Hanna, Harrison, Henley, Jenckes, Jones, Kerr, Leslie, Lucas, Mason, M' Coy, M' Crillis, M' Cully, Miller, Montgomery of W. Newell of F. North, Peck, Quick, Rawlings, Read, Rayburn, Ritchey, Ross, Rulon, Runyan, Saylor, Shanks, Shortridge, Sloan, Sweetser of G. Sweetser of M. Welch and Woodard—62.

*Those who voted in the negative were*

Messrs. Ball, Bradbury, Burgess, Carr, Coleman, Conwell, Defrees, Farrington, Hamer, Harding, Harrah, Hiatt, Houghton, Howe, Lancaster, Morgan, Newell of W. Rose, Russell, Schoonover, Shawhan, Shoup, Smith of F. Stanford, Stratton, Terrell, Walpole, Wilson and Mr. Speaker—29.

And so said bill and amendments were laid on the table.

Mr. Henley asked and obtained leave to introduce the following resolution, from the select committee appointed to prepare interrogatories to Milton Stapp Esq., fund commissioner of this state, in relation to state bonds sold, and the suspended debt of this state;

Resolved, That Milton Stapp Esq., fund commissioner be requested to lay before this House at as early a day as convenient,

1st. A table showing the amount of state bonds sold, to whom sold, and on what terms that have been paid for according to contract.

2d. The amount of bonds parted with, to whom and on what terms which have not been paid for according to contract.

3d. The amount of bonds that have been hypothecated, to whom and on what terms, how much has been received on the hypothecation, and to what use has it been applied.

4th. The amount of the "suspended debt" upon which there is no security, and from whom it is due.

5th. The amount of suspended debt upon which there is security, a list of the securities, with the present cash value attached to each respectively. (Please attach some specific value to each of these securities.)

6th. The cash value of the stock of the Morris canal and banking company, and the cash value of all other stocks held by Indiana as collateral security, (specific cash values are requested.)

7th. What amount of our bonds have passed into the possession of the United States Bank of Pennsylvania.

8th. Were you induced to believe by the Morris canal and banking company in your stock negotiations with them, that the United States Bank of Pennsylvania, was in any way either equitably or legally bound to sustain that institution in said negotiations or any of them; if so, state the circumstances.

9th. In its negotiations with you, and with other fund commissioners of Indiana in the purchase of state stocks; do you know or have you reasons to believe that the Morris canal and banking company was

the agent of or in any way connected with the United States Bank of Pennsylvania.

10th. Do you know or believe that the securities taken from the Morris canal and banking company by yourself or any of your predecessors or associates, were derived from or furnished by the United States Bank of Pennsylvania.

11th. What amount of bonds have been sold or in any manner parted with for the payment of interest since 1836—what is the whole amount of interest paid on the public debt since that date, and the annual and aggregate amount of interest paid, and to be paid from 1836 to 1841 inclusive.

12th. How can the interest for 1841 be met.

Mr. Smith of F. moved to strike out from the resolution, the first interrogatory;

Which was not agreed to.

The resolutions were then adopted; and,

Ordered that the clerk hand a copy thereof to Mr. Stapp.

OFFICE OF THE STATE BOARD, }  
Indianapolis, Dec. 29, 1840. }

THE HON. SAMUEL JUDAH,

*Speaker of the House of Representatives:*

The information sought for by the resolution of the House, relating to the claims of Messrs H. and R. Stewart, I will now communicate so far as I am possessed of the information desired.

The many new duties imposed upon the board, and upon the acting commissioners, by the legislature of last winter, occupied the spring months in settling with the contractors on the various works, and in preparing for the public payments on the lines, which were not closed until the month of June.

The next important duty was to attend to the pressing importunities for the assessment of damages to contractors, proposed by the legislature for the relinquishment of their work. This tedious service was the cause of so much delay, that it was not until the month of July, that the investigation of the damage claims of the Messrs Stewarts and others, on the southern division of the Central canal was commenced. Whilst these examinations were in progress before the board of arbitrators, organized for the purpose, the majority of that board, at the instance, and upon the application of the complainants and their counsel, determined that their powers were such as to justify and authorize them to open the accounts between the state and the contractors, and increase the compensation made to the contractors by the Engineer. Carrying out this view of their powers over the subject, the arbitrators increased the rate of pay made to the contractors

by the Engineer for the work done, and in addition to that, they awarded over one thousand dollars on the work yet to be done, and which had been surrendered to the state, in the shape of prospective damages for the profits expected to have been derived from the work given up. As stated by the complainants in their printed petition, the following is the abbreviated form of the award of the arbitrators, Mr. Wilson for the state dissenting.

On sections 121 to 125 inclusive for losses on shantees,	\$249 00
Tools, - - - - -	126 00
For increased pay over the Engineer's estimate on 404, 109 yards of embankment, - - - - -	4,137 87
Allowance of one half per cent. on work not yet done, -	1,022 84
	\$5,535 71

On Pigeon Summit—Sections 69 and 70.

For losses on shantees and wells, . . . . .	417 00
“ “ on wagons, ploughs and horses, . . . . .	582 30
“ Increased pay over Engineer's estimate for 256,047 yards of excavation, . . . . .	3,840 00
	\$4,839 30

The recorded report of these proceedings, with others, was made to the commissioner at New-Albany in the month of August, whilst attending to the suit with the complainants authorized by the late special act; to which proceedings the protest of L. B. Wilson, Esq., one of the arbitrators, was appended.

Finding upon an examination of the record, that the arbitrators, instead of confining themselves to the powers and duties specified by the act, by looking into the damages sustained by the parties in the way of preparation for the prosecution of their work, and making a reasonable and equitable allowance for losses upon shantees, houses and other outlays, had stepped beyond their delegated powers, increasing the price of the work done and making allowances for work given up and yet to be done, amounting in the cases of the Messrs. Stewarts and others to more than \$15,000; the acting commissioner could not acquiesce without a manifest disregard of his duty and of the interest of the State; and therefore appeals were taken to the circuit courts. Having no other conveyance, the transcripts for that purpose were certified and transmitted, by mail, to the clerks of the proper counties. This view of his duty was communicated to the complainants at New-Albany. To prevent the delay consequent upon a tedious litigated case if conducted in the ordinary manner, the Messrs. Stewarts suggested that their cases belonging to two counties, might be submitted, under an amicable agreement, to the then approaching October term of the Daviess circuit court, avoiding the delay and expense of all but the one court; to which reasonable proposition the commissioner

readily assented. Preparatory to a submission of the appeals to the court agreed upon, in good faith with the amicable understanding, the commissioner employed counsel for the state, and prepared new transcripts for the court. This plan for a speedy trial and final adjustment of the matters in controversy, was communicated to the complainant's counsel by the commissioner and by themselves. After making this preparation and relying on a submission of the whole matter to the court, according to the agreement entered into by the parties, the commissioner received a visit from one of the complainants with a letter from their counsel, informing the commissioner that the appeal taken to Daviess county had not reached the clerk—that they would avail themselves of the advantage—and that, in case the commissioner refused to pay the award, they would look to the remedy to be found in a writ of mandamus, to coerce payment, expressing his regret for the failure of the transcript sent by mail, the commissioner proposed filing a new one, and referred to the act of the legislature authorizing it, but without obtaining the assent of the party to proceed under the agreement made. At the sitting of the court in October, the attorney employed for the State attended, prepared with transcripts and with instructions to submit the appeals for both Gibson and Daviess counties, should the Messrs. Stewart assent to it as before agreed upon; in which however he did not succeed. The case proposed to be transferred to Daviess court is still pending in Gibson, and stands for trial at the next term. The one belonging to Daviess county, and said to have miscarried, is in the hands of the State's attorney to be filed anew at the next term, as authorized by law.

From their knowledge of every step taken in relation to these appeal cases and of the stipulations entered into to secure an early and cheap trial for both parties, the commissioner was not prepared to find in their printed petition, the implied charge of neglect of duty and disregard of their interest when they say that, "If, pursuant to the act regulating it, an appeal had been taken to the proper county (Daviess) in order to correct any error that may have been made by the arbitrators, they would not then have complained. But when they reflect that more than eighty days expired between the rendition of the awards and the sitting of the circuit court, and that no appeal has yet been taken, they should exercise more than ordinary forbearance, if they did not complain." If, from this paragraph, the impression has been made that the delay complained of was caused by the agents of the State, or that no appeals were taken, as alleged, the foregoing statement will remove the error when it is perceived that the cases were certified in season; that the one is now pending in the proper court, and that the parties had the opportunity of a trial in the other case, with notice that it would be filed anew at the next term.

At the time of taking the appeals and of entering into the foregoing agreement with the Messrs. Stewart, they expressed the wish that T. A. Morris, Esq., should re-estimate their work. Feeling no reluctance in gratifying them, the commissioner consulted his colleague, Mr. Williams, and obtained his concurrence; but on account of the ill-

ness of *Mr. Morris*, it was proposed that *Mr. Ball*, the late Resident Engineer on the Cross-Cut Canal, should supply his place. He was, accordingly, requested to proceed to the ground and re-estimate the work of the complainants, and that of any other contractor that might request it.

The duty assigned him was performed and the report made was laid before the board the last week in November. On an examination of its contents and of the views which influenced the decision to which *Mr. Ball* has arrived, and finding that he had not confined himself to the principle of a relative value required by law—the governing principle in all estimates made elsewhere; and perceiving that there was a greater difference between his estimates and those of *Mr. Voorhies*, the Engineer of the line, than had ever occurred between two officers of the same grade, involving more than \$15,000, the board could not reconcile with their views of propriety, the adoption of the report of *Mr. Ball* to the exclusion of that of *Mr. Voorhies* based upon the principle of a relative value, and therefore the following order was made, referring the whole subject to a board of three Engineers, and the board so notified the complainants before they petitioned the Legislature, giving the reasons that seemed to require the measure.

DECEMBER 7, 1840.

*William J. Ball*, the Engineer appointed to remeasure and re-estimate the work of *H. & R. Stewart, Clements & Roddick*, and such other contractors on the southern division of the Central canal as might make a similar request, this day submitted his report, and from an examination of its contents, as well as from the statements verbally made by him, the Board finds that *Mr. Ball* has misconstrued the requirements of the act of the General Assembly by estimating the work performed on some sections higher than its fair relative value with reference to the whole contract; in consequence of this misconception, and because the Board would not feel justified in adopting the report of *Mr. Ball*, with its large additional allowance, and rejecting that of *Mr. Voorhies*, of equal grade and experience; and the Board being desirous of rendering equal justice both to the contractors and the State; therefore,

*It is ordered*, That the whole subject for its final adjustment be referred to *T. A. Morris*, late resident Engineer on the Madison and Indianapolis road; *Wm. J. Ball*, late resident Engineer on the Cross-cut canal; and *H. C. Moore*, late resident Engineer on the White-water canal, with a request that they meet as soon as practicable on the line in question; procure from the late acting Commissioner and Engineer, all field notes, specifications, notice to contractors &c.; and proceed to examine said work, and report their joint decision and estimate to this Board.

*Mr. Ball* being obliged to decline the appointment in consequence of engagements calling him from the State, the resident Engineer on the Wabash and Erie canal, *Stearns Fisher, Esq.*, has been appointed

to fill his place. This Board by appointment will meet on the ground on the 11th of January; and on their return will bring their report and all the books and papers from that office needed by the State in the investigation of the claims presented.

The next specification of their claim is found on the 7th page of their printed petition, amounting to 13,800 dollars; purporting to be an unsatisfied demand growing out of their work taken near New-Albany in 1836. As regards this item, all the Commissioner can say is, that it was not mentioned in their application to the Legislature last winter, at the time of the passage of the act refering all matters in dispute between them and the State, to arbitrators—that it was not embraced in their bill of complaint filed in the Floyd circuit court, under the act just referred to—that the bill filed was amended in August last with the consent of the commissioner so as to bring that item before the arbitrators—that after a full investigation of its merits, it was rejected,—and that it has not, in any shape whatever, since been presented for the consideration of the Board, as alledged by the complainants on the same page of their petition: therefore, the reasons purporting to be those given by the Board for its rejection, are erroneous and never were assigned.

The third item brought forward by the petitioners, found at the foot of the 8th page, for 42,000 yards of embankment said to have been withheld from their estimate by the Engineer, Mr. Vorhies, and deducted in like manner by Mr. Ball in his late measurement, for which they claim \$9,660 00. Of this item, the Commissioner can only say that there is no evidence whatever, that the resident Engineer of the line, Mr. Voorhies, ever made a deduction of 42,000 yards—that no such deduction was made, as stated by the complainants, by Mr. Ball, as will appear from his report, and from the testimony given by him before the committee—that at the time of the assessment of their damages by the arbitrators appointed for that purpose, in July last, the complainants, after hunting up every description of claim pertaining to their work, only brought forward 6,000 yards, whereas they now claim pay for 42,000 yards;—and that this claim for 6,000 yards, was rejected by the arbitrators.

That some deduction was made by the Engineer for shrinkage from time to time, upon the work of the complainants and of others, the Commissioner has no doubt, because such was the practice elsewhere through the State; but of that no complaint was made to the Board by the petitioners nor by the other contractors at the time nor since. Whether any notice of the rate of deduction was given by the public officers at the time of the letting, the commissioner is not prepared to say; but he is informed by his predecessor, that at the time of the letting, it was well understood that the same rate of allowance for shrinkage made elsewhere, would be required on that line.

The last specification of the claim of the petitioners, mentioned on the 10th page, is 6,000 dollars for damages, "*not yet allowed them,*" in the way of preparation for their work. This item is new and unexpected to the commissioner. Under the act of last winter pointing

out the mode of assessing damages to contractors upon their outlays for shantees, horses, carts, and other preparations, the Board of arbitrators, before mentioned, was appointed in July last. Before that Board the complainants came forward and presented the following as the basis of their claim for damages:

Shantees, wells &c. on <i>White river</i> embankment,	\$700 00
Tools &c. on same, - - - -	400 00
Loss on <i>Merchandise</i> , store house, &c. - -	1,000 00
Shantees, stables, wells, &c., on <i>Pigeon Summit</i> ,	400 00
Loss on oxen, carts, horses, &c., - - -	700 00

The whole, including loss on merchandise, store house, &c., valued at \$3,200 00

Rejecting the item of 1,000 for store house &c., the arbitrators awarded to the complainants as a full compensation for losses sustained by them on their outfit for the work the sums named in the 4th page of their petition, amounting to \$1,374 30. Instead of pursuing the remedy granted them by the act, if dissatisfied with the award, of taking an appeal to the circuit court, the parties remained content, and received from the State the \$1,374 30 awarded them by the arbitrators.

It will be seen from the foregoing, that the petitioners estimated their shantees, horses, carts, &c., (exclusive of the item of \$1,000 for store house &c.,) not now brought forward by them,) at \$2,200 before the arbitrators, and that they received as damages at the hands of the arbitrators \$1,374 30. Why they preferred the award to taking an appeal—why they stated their claim at \$2200 before the arbitrators, and yet demand \$6000, the commissioner is not prepared to say.

In the way of a further explanation, it is due to this subject to say that the 170 horses, carts, shantees, &c., named on the second page of the petition, nearly all were owned by the five or six hundred laborers in the service of the complainants; and so far as losses were sustained on them in consequence of suspending the work the laborers were the sufferers.

Respectfully submitted,  
N. NOBLE, Pres't.

Mr. Smith of F. asked and obtained leave to make the following report:

MR. SPEAKER—

The committee on canals and Internal Improvements, to whom was referred the petition of Hugh and Robert Stewart, contractors on the southern division of the Central Canal, have had the same under consideration, and after an examination of all the testimony presented for their consideration, a majority of the committee have directed me to



## REPORT:

That in the opinion of a majority of the committee the petitioners are not entitled to the allowance claimed by them.

The late period of the session at which the examination was brought to a close before the committee, together with the large mass of evidence presented for their examination, precludes them from entering into a detailed examination of the testimony or the points involved in it. They can only refer to a few of the prominent points connected with the case, in order that the House may be informed of the principles upon which they have come to the conclusion presented in this report. Some dissatisfaction having been expressed by the petitioners to the board of internal improvements in regard to the estimates of their work made by the resident Engineer, Mr. Vorhies, and there being a difference between the estimates made by that gentleman and those which were made by Mr. Ball, who had also estimated it, the board, on the 7th Dec. last, before the petition was presented to the House, with a view of obtaining a satisfactory measurement and estimate of the work done by the Messrs. Stewarts and other contractors on the southern division of the Central Canal, and to remove all cause of complaint on the part of the contractors, appointed Thomas A. Morris, Henry C. Moore, and Stearns Fisher, all of whom are competent and disinterested Engineers, to make an examination and estimate of the work done. The gentlemen thus appointed visited the work on the 11th Jan'y, and after an examination of the work and of the estimates previously made by Messrs. Vorhies and Ball, awarded to the Messrs. Stewarts the sum of \$1,589 10 as the amount due upon a final estimate in addition to the amount which had before been paid by the board of Internal Improvements.

The petitioners contend that this report is not to be relied upon, because, as they alledge, the calculations of those gentlemen were not made upon their own measurement, but upon data furnished by the Engineers who had previously measured the work, and in the correctness of which they have no confidence. The committee believe that although Messrs. Morris, Moore and Fisher did not measure the entire amount of the work, yet they examined it so far and tested the accuracy of the previous measurements to such an extent as to enable them to arrive at satisfactory conclusions as to the amount of the work done and its value. No evidence has been presented sufficient in the opinion of the committee to impeach the accuracy of their estimates, but on the contrary they have strong reason to believe them to be correct.

The complaint of the petitioners has not been, so far as the committee have learned so much in regard to the estimates heretofore made of the amount of work done, as of the relative value affixed to it. In regard to the question of relative value, your committee see no reason to doubt the correctness of the estimates made by Messrs Morris, Moore and Fisher. This estimate depends greatly upon judgment as well as calculation, and those gentlemen having examined the entire work, with a view to ascertain its relative value, they are believed to have

had all the necessary information to enable them to arrive at correct conclusions in regard to it; and no evidence has been presented to the committee, which has caused them to doubt the correctness of their estimates on this point. The report of those gentlemen is herewith presented to the *House*, in order that the reasons given for their conclusions may be seen.

The Messrs. Stewarts claim \$9,660 00, which they alledge was deducted from the amount of work done, for the settling of the embankment. In the opinion of the committee, the evidence adduced does not sustain their claim to this allowance. It was conclusively proved that in all the public works in this state, as well as in other states, the practice is universally adopted of measuring embankment when fully settled, or if measured before, of making a reasonable deduction for settling. The petitioners in this case being old and experienced contractors, could not in the opinion of the committee have been unaware of this custom in the measurement of work of that description, and must have made their bids with reference to it.

In the petition referred to the committee, the claim for an allowance on this ground is based on the assumption that "there is nothing in the agreement justifying the deduction, nor was there in the specifications furnished the petitioners." This assumption is not sustained by the evidence, as it is proved that the printed specifications exhibited at the letting, for the information of contractors did give notice of this deduction.

In view of the whole case, the majority of the committee believe that the additional sum awarded by the board of Engineers who made the last examination, should be paid by the board of Internal Improvements with interest, but beyond that sum they believe the petitioners have established no valid claims upon the state. As the board are fully authorized to pay the amount estimated as above, no legislative action on that subject will be necessary.

The committee ask to be discharged from the further consideration of the subject.

C. B. SMITH, Chairman Com.

Which was read, when,  
On motion of Mr. Dowling,  
It was laid on the table.

## LETTER OF INSTRUCTIONS.

*Indianapolis, Jan. 6, 1841.*

MESSRS. MOORE, MORRIS &amp; FISHER,

ENGINEERS:

The object of the board in requesting you to examine the work on the southern division of the Central canal, is simply that you may make a careful estimate of the work performed on each section under the contract, having reference of course, to the law of last session, which requires the relative value to be affixed instead of the exact contract price, in all cases where the most expensive or least expensive portions of the work have been performed. If any items of extra work have been performed which should be allowed, of course they should be added; or in other words, this final estimate is to be made upon the same principles that you would adopt if you were making a similar estimate on the lines under your charge, so far as the contracts and notices are the same.

You do not, of course go for the purpose of obtaining the facts particularly favorable to the state, more than to the contractors, but in the high character of an umpire between the parties, disinterested and impartial, and with no other view than to do strict and equal justice to both parties.

With this brief statement of the object of your mission, it is wholly unnecessary that the board should make any further suggestions, other than to say, that you should first obtain all the estimates, levels, &c. both of Mr. Voorhies and Mr. Ball, whether you should take new levels generally, or rely upon those of Voorhies and Ball, we leave for you to decide. You will of course need the assistance and explanations of Mr. Woodward, the assistant on this line, that you may ascertain the sections, stakes, &c.

You are authorized to incur any reasonable and necessary expense. If the ground is not too hard frozen, it might be well to have with you a hand with a pick, for the purpose of ascertaining the quality of earth in the cuts and in the pits.

Very respectfully,

J. L. WILLIAMS.

P. S. After completing your examination we expect you to return to this place.

J. L. W.

Indianapolis, Feb. 2, 1841.

TO THE HON. N. NOBLE,

*President of the Board of Internal Improvements.*

SIR:

The undersigned in compliance with an order of the board dated Dec. 7, to take into consideration the "final adjustment," and report "their joint decision and estimate" of the work done on sections 69, 70, 90, 91, 100, 101, 120, 121, 122, 123, 124 and 125, southern division of the Central canal, respectfully submit detailed estimates on each of the above named sections.

The joint resolution of the General Assembly requiring these estimates upon unfinished jobs, provides for the payment for work done, at a proper relative value, with reference to the whole contract, from which we understand that such prices should be affixed to the work done, and that remaining to be done, as will give, under the existing contract, the same per centum of profit or loss on each.

It will be seen by reference to the profiles of the different sections herewith exhibited, that each section has been divided into parallel strata, conforming as nearly as possible to the surface of the ground, and the quantities accurately ascertained in each strata, and such prices affixed to these quantities as in our judgment was contemplated by the joint resolution above referred to. This division of the work supposes however, that the material in each section is of an uniform character, the particular character being determined by the whole section; when therefore, more or less than a proper proportion of any hard or soft material has been worked, the proper additions or deductions have been made in the estimate, so as to preserve this same uniform character in the work done, and that not done. These additions or deductions, when in our judgment they should occur, are shown in separate items in each estimate.

In estimating the grubbing and clearing, such prices have been paid on each section as in our opinion, bear a proper relative value to the whole contract.

With regard to the quantities of excavation and embankment made each section, we believe that if our examinations were confined to a reconciliation of the discrepancies of the measurements made by Messrs. Vorhies and Ball, that we could more certainly arrive at a correct result, than by a re-measurement of the work. Indeed we conceive it to be impossible *now*, to ascertain the exact amount of excavation that has been made on sections 69, 70, 100 and 101, by a re-measurement. It has been more than a year since the contractors ceased operating, and in many places the earth has washed in from the sides

to such depths as to render a measurement of what *has been* excavated altogether a matter of supposition.

On sections 69 and 70, from an examination of the work and of the estimate made by Mr. Ball, we have no doubt that an important omission was made by him in his deductions for "roadways." His deduction of 500 yards for this item is certainly less than it should be, by about the difference between his amount of excavation done on these sections, and the amount reported Mr. Voorhies; consequently if this omission had not occurred in Mr. Ball's calculations the difference in the amount of excavation reported by Mr. Ball, from that estimated by Mr. Voorhies, would have been so slight as to confirm the accuracy of the measurement of the section made by Mr. Voorhies. We therefore adopted the amount estimated by Mr. Voorhies from the belief that Mr. Ball's measurement proved that it was correct.

On section 100, from an examination of the work and of the notes taken for its measurement by Mr. Ball, we conceive that the amount of excavation reported by him, is calculated from data too uncertain to be relied on for a true measurement. In many cases the earth is washed in to considerable depths since the contractor stopped working, and of course, in taking levels upon these portions, he had necessarily to suppose that the earth had been taken out, to such an additional depth as appearances might indicate, or to such depths as the contractor or others familiar with the section, might furnish from recollection. His notes show that such data have been used.

We did not re-measure this section, because we believed that the amount that would be now shown as excavated, would be too small to do justice to the contractor, and of course any other amount would be a matter of supposition to a great extent. Considering therefore the small difference (3112 cubic yards) between Mr. Ball's and Mr. Voorhies' estimates, and taking into view the advantage that Mr. Voorhies had in obtaining correct data, his measurement being made before any earth had washed into the cut; we believe that the amount estimated by him is more nearly accurate than any amount could be if obtained by a measurement at this time—we therefore assumed the quantity reported by Mr. Voorhies on this section.

The same difficulty occurring on section 101, to prevent an accurate re-measurement of the work, as that mentioned on section 100, we believed that we could more nearly arrive at the quantity excavated, by making a comparison of two measurements made by Mr. Voorhies, and that made by Mr. Ball. With the exception of stations 1528, 1529, and 1545, we assumed those quantities on each station as correct, in cases where either two of the above estimates agreed.—Where each disagreed we took that quantity which more nearly agreed with one of the others. On stations 1528 and 1529, the excavation being in such a shape that a measurement could be made as accurately with a tape line, as with a level, we made a measurement, and estimated the quantity calculated from it. On station 1545, the difference between Messrs. Ball and Voorhies being over 1000 yards, we assumed the quantity estimated by Mr. Ball, from a belief that an

error of 1000 yards had been made on this station in Mr. Voorhies' estimate. This opinion was formed from the fact that the quantity in the stations on either side, could not vary greatly from this one, the chief difference being caused by a projecting block of earth, which we believed to be correctly measured by Mr. Ball.

On sections 90, 91, 121, 122, 123, 124, and 125, we assumed the amounts estimated by Mr. Ball. These sections being heavy embankments, whose shapes are still regular, as correct a measurement can be made at this time of the quantity in them, as at the time the contractors ceased operations. Taking into consideration the fact, that the embankments have settled perhaps as much as they will settle, until the canal is filled with water, a measurement made now should be entitled to a greater confidence than one made when the judgment had to be relied on, as to the amount they would settle. After coming to the conclusion that the embankments had settled as much as should be chargeable to the contractors, and after testing enough of the levels taken by Mr. Ball on the different sections, to satisfy us of their accuracy, we estimated the quantities shown by his measurement, from a belief that these amounts are more nearly correct, than they would be, were any deductions to be made for shrinkage. The additional amount reported on these sections by Mr. Ball over that estimated by Mr. Voorhies, is 6562 yards, being but little more than one per cent. on the whole amount estimated; which difference occurred no doubt from the deductions made by Mr. Voorhies one year since, for the probable shrinkage of the embankments.

On section 120, we assumed as correct the final estimate which had been made by Mr. Voorhies. This section having been completed, we consider that the contract price for it is all that can be claimed by the contractor, inasmuch as each section forms a distinct and separate job, for which the contractor is entitled only to his contract price, when it shall be finished agreeably to the provisions of the contract.

With regard to the extra allowances for clearing off ground to procure earth for embankment not yet made, we made such allowances, in cases where we believed they should be made, as the contractor would be entitled to from a proportion of the work done, and that to be done, assuming that the whole expenditure for this clearing should be paid for, from the price paid the contractor for the work embraced in his contract. These items, wherever they are allowed, are specified in each estimate.

Annexed are the detailed estimates above referred to.

All of which is respectfully submitted.

S. FISHER,	} Engineers.
T. A. MORRIS,	
H. C. MOORE,	

## ESTIMATES.

### SECTION No. 69.

#### *H. & R. Stuart, Contractors.*

87.57 chains grubbing and clearing at \$17 per ch., done—\$50,	\$1,438 69
101.046 c. yds. excavation, at 25.722 cents per yard, (nearly,)	25,991 61
500 c. yds. ditching, at 27 cents per yard,	135 00
	\$27,565 30
Total,	27,133 23
Deduct former estimate,	\$432 07
Present do.	

### SECTION No. 70.

#### *H. & R. Stuart, Contractors.*

79.50 chains grubbing and clearing at \$16 per chain.	\$1,270 00
155.001 c. yds. excavation at 25.547 cents per yard,	39,598 36
109 c. yds. ditching at 27 cents per yard,	29 43
Allowance on 18.106 c. yds. of hard material included in the above 155.001 yds. of 1½ cents per yard in ad- dition to the price then paid for it,	271 59
	\$41,171 38
Total,	40,660 68
Deduct former estimate,	\$510 70
Present do.	

## SECTION No. 90.

*Robert Logan, Contractor.*

24.25 chains grubbing and clearing at \$28 per chain,	\$679 00
1.628 cub. yds. excavation at 15 cents per yard,	244 20
56.513 cub. yds. embankment at 24 cents per yard,	13,563 12
Allowance for ditch and clearing done to procure earth for embankment yet to be made, - -	175 00
	<hr/>
Total, - - -	\$14,661 32
Deduct former estimate, - -	14,016 74
	<hr/>
Present estimate, - - -	\$644 58

## SECTION No. 91.

*M<sup>r</sup> Bay & Gallagher, Contractors.*

21.42 chs. grubbing and clearing at \$42 10 pr. ch.	\$901 78
1.200 c. yds. excavation at 14 cts. per yard,	168 00
73.635 c. yds. embankment at 23 cents per yard,	16,936 05
Allowance for clearing to procure earth for embank- ment yet to be made, - - -	51 60
	<hr/>
Total estimate, - - -	\$18,057 43
Deduct former estimate, - -	17,535 87
	<hr/>
Present estimate, - - -	\$521 56

## SECTION No. 100.

*Luce & Hargrave, Contractors,*

72.66 chains grubbing and clearing at \$27 per chain,	\$1,961 82
Allowance for extra grubbing, - -	26 00
99.363 c. yds. excavation at 26.141 cents per yard,	25,974 60
300 c. yds. ditching at 27 cents per yard, -	81 00
1.080 c. yds. bank removed at 27 cents per yard,	291 60



Allowance on rock and soap-stone included in the above  
99.363 cub. yards, as follows, viz:

On 244 cub. yds. rock, an extra price of 9½ cts. per yard,	23 18
On 277 cub. yds. soap-stone, an extra price of 4½ cents per yard,	12 46
Total,	\$23,370 66
Deduct former estimate,	27,733 62
Present estimate,	\$637 04

SECTION No. 101.

*Clements & Roddick, Contractors.*

62.63 chains grubbing and clearing,	\$1,070 00
96,356 c. yds. excavation at 25.347 cents per yard,	24,423 89
400 c. yds. side ditches, at 25 cents per yard,	100 00
744 c. yds. ditching to drain section at 25 cts. pr. yd.	186 00
1.250 c. yds. bank removed, at 25 cents per yard,	312 50
Allowance on 10.942 yards soft material yet to be taken out to make the proportion of hard and soft excavation already taken out equal, 1½ cents per yard,	162 72
Total,	\$26,255 11
Deduct former estimate,	25,044 75
Present estimate,	\$1,210 36

SECTION No. 120.

*H. & R. Stuart, Contractors.*

27 chains grubbing and clearing at \$20 per chain,	\$540 00
1.530 c. yds, excavation at 23 cents per yard,	351 90
112.655 c. yds. embankment at 23 cents per yard,	25,910 65
Total,	\$26,802 55
Deduct former estimate,	26,802 55
Present estimate,	00,000 00

## SECTION No. 121.

*H. & R. Stuart, Contractors.*

24 chains grubbing and clearing at \$21 34 per chain,	\$511 16
1.428 c. yds. excavation at 23 cents per yard,	328 44
90.478 c. yds. embankment at 21.8 cents per yard,	19,724 20
Allowance for clearing done to procure earth for embankment yet to be made,	55 00
	<hr/>
Total,	\$20,618 80
Deduct former estimate,	20,263 48
	<hr/>
Present estimate,	\$355 32

## SECTION No. 122.

*H. & R. Stuart, Contractors.*

24 chains grubbing and clearing at \$23 per chain,	\$552 00
1.466 c. yds. excavation at 23 cents per yard,	337 18
52.691 c. yds. embankment at 21.3 cents per yard,	11,223 18
Allowance for clearing done to procure earth for embankment yet to be made,	80 00
	<hr/>
Total,	\$12,192 36
Deduct former estimate,	12,579 70
	<hr/>
Over estimated,	\$387 34

## SECTION No. 123.

*H. & R. Stuart, Contractors.*

24 chains grubbing and clearing at \$21 50,	\$516 00
1.382 c. yds. excavation at 23 cents per yard,	317 86
93.071 c. yds. embankment at 21.715 cents per yard,	20,210 89
Allowance for clearing to procure earth for embankment yet to be made,	21 00

Allowance for ditching to procure earth for embankment yet to be made,	-	-	-	35 00
				<hr/>
				\$21,100 75
Deduct for increased difficulty of procuring 18,000 cub. yds. embankment yet to be made, at $\frac{1}{2}$ cent per yard,				90 00
				<hr/>
Total,	-			\$21,010 75
Deduct former estimate,				20,452 00
				<hr/>
Present estimate,				\$558 75

## SECTION No. 124.

*H. & R. Stuart, Contractors.*

24 chains grubbing and clearing at \$21 77 per chain,				\$522 48
79.139 c. yds. embankment at 21.955 cts. (nearly) pr. yd.				17,375 09
1.308 c. yds. excavation at 23 cents per yard,				300 84
Allowance for clearing done to procure earth for embankment yet to be made,	-	-	-	70 00
				<hr/>
Total,	-			\$18,268 41
Deduct former estimate,				17,866 04
				<hr/>
Present estimate,				\$402 37

## SECTION No. 125.

*H. & R. Stuart, Contractors.*

23.93 chains grubbing and clearing at \$21 28 per chain,				\$509 23
93.325 c. yds. embankment at 21.952 cents (nearly) per yd.				20,487 30
1.541 c. yds. excavation at 23 cents per yard,				354 43
Allowance for clearing done to procure earth for embankment yet to be made,	-	-	-	51 00
				<hr/>
Total,	-			\$21,401 96
Deduct former estimate,				21,684 73
				<hr/>
Over estimated,				\$282 77

OFFICE OF BOARD OF INTERNAL IMPROVEMENTS,  
Indianapolis Feb. 2, 1841.

HON. CALEB B. SMITH,

Chairman of Canal Committee.

Dear Sir—The Board of Engineers consisting of Messrs. Fisher, Morris, and Moore, appointed by this Board on the 7th of Dec. last, for the purpose of examining the several sections of the Southern Division of the Central Canal, reviewing the estimates thereon and determining what additional amount, if any, is due the contractors according to the provisions of the contracts and of the laws on this subject, have this day made their report, and the Board of Internal Improvement are now ready to pay to the contractors the sums which by this report are shown to be due.

By the report which is herewith submitted, to the committee, it will be seen that the estimates made by the Board of Engineers, exceed the estimates made by Mr. Voorhies, by whom the former settlement was made, as follows:

On the contracts of H. & R. Stewart,

Sec. 69	-	-	-	\$432 07
" 70	-	-	-	510 70
" 121	-	-	-	355 32
" 123	-	-	-	558 75
" 124	-	-	-	402 37

\$2,259 21

On the following Sections these estimates fall short of those of Mr. Voorhies.

Section 122,	-	387 34	
" 125,	-	282 77	<u>670 11</u>

Ballance due H. & R. Stewart, \$1,589 10

On the remaining sections the estimates now made exceed those of Mr. Voorhies, as follows:

Sec. No. 90, R. Logan, contractor,	-	-	\$644 58
" " 91, McBay & Gallagher, contractors,	-	-	521 56
" " 100, Luce & Hargrave, contractors,	-	-	637 04
" " 101, Clements & Roddick,	-	-	1,210 36

Total amount due all the contractors, \$4,602 64

With the report, the Board submit the letter of instructions to the Engineers. A copy of each contract is also submitted for the inspection of the committee.

It may be well for the Board to say that before the foregoing sums are paid, the parties will be required to assent to the dismissal of the suits pending in Gibson, Pike, and Daviess counties, a condition that

the committee will also perceive necessary, should any legislative action be had.

Respectfully,

N. NOBLE;

The House then proceed to the orders of the day, being bills on the 3d reading:

No. 312, to incorporate the Hagerstown canal company;

No. 314, relative to land returned to the school commissioner of La-  
porte county;

No. 341, to incorporate the Lagro and Manchester turnpike com-  
ny;

No. 356, to incorporate the Portage bridge company;

Were severally read a third time and passed, and

Ordered that the clerk inform the Senate thereof.

The House then proceeded to bills on the 2d reading, when,

Mr. Blair moved to take from the table Bill of the Senate No. 116,  
for the relief of Joseph H. Hendricks;

Which motion prevailed, and the bill was so taken up.

The question pending when the bill was laid on the table, being the  
amendment of Mr. Sweetser of M., to the amendment proposed by the  
committee of canals and internal improvements to the bill, was then  
considered, and decided in the negative.

The question then recurring on the amendment of the committee  
to said bill;

It was decided in the affirmative; and the bill was so amended.

Mr. Stanford moved the amendment be considered as engrossed,  
and the bill read a third time now;

Which was decided in the affirmative, and the bill was read a third  
time, and the question being,

Shall said bill pass?

And the ayes and noes being demanded thereon by Messrs. Sweetser  
of M. and Quick.

*Those who voted in the affirmative were*

Messrs. Akin, Blair, Blankenship, Bowles, Bradbury, Brenton,  
Brown, Byers, Carr, Casey, Champer, Clark of D., Clark of F., Clark  
of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Dun-  
bar, Farrington, Foote, Goodenow, Hamer, Harrison, Hiatt, Hough-  
ton, Howe, Jenckes, Jones, Kerr, Leslie, Newell of F., Newell of W.,  
North, Peck, Rippey, Rose, Rulon, Runyan, Russell, Saylor, Schoon-  
over, Shanks, Shawhan, Shortridge, Shoup, Sloan, Smith of F.,  
Stanford, Stratton, Sweetser of G., Terrell, Walpole, Welch, Wilson,  
and Woodard—68.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Burgess, Burton, Dowling, Harding, Harrah, Kerr, Leslie, Montgomery of W., Morgan, Quick, and Sweetser of M.—12.

And so said bill passed, and,

Ordered that the Senate be informed thereof.

No. 115, of the Senate, for the relief of Ann Gertrude Brick, and Adam, and Maurice Brick;

Was read a second time and passed to a 3d reading.

No. 318, to amend an act regulating descents, distribution, and dower, approved Feb. 17, 1838;

No. 319, to amend an act regulating the practice in suits at law, approved Jan. 29, 1831;

Were severally read a 2d time, and ordered to be engrossed.

No. 320, to amend an act to provide for the partition of real estate, approved Feb. 1, 1831.

Was read a second time, when,

Mr. Dunbar moved to amend by adding after the word "circuit" or "probate,"

Which was adopted, and the bill as amended ordered to be engrossed.

No. 321, a joint resolution of the General assembly;

Was read a 2d time and referred to the committee on federal relations.

No. 323, a joint resolution relative to the auditor of public accounts;

Was read a 2d time and ordered to be engrossed.

No. 329, a joint resolution in relation to the office of Fund Commissioner,

Was read a second time, when

Mr. Mason moved that it be indefinitely postponed.

And the ayes and noes being demanded thereon by Messrs. Peck and Blair;

Mr. Bowles moved that the joint resolution be laid on the table;

Which was decided in the negative.

The question then recurring on Mr. Mason's motion.

*Those who voted in the affirmative were,*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Brown, Burgess, Burton, Byers, Carr, Chrisman, Clark, of D., Clark of F., Clark of T., Coffeen, Coleman, Conwell, Dowling, Dunn, Dunbar, Durbin, Elkins, Farrington, Foote, Goodenow, Graham, Hamer, Harding, Harrah, Harrison, Henley, Hiatt, Howe, Jenckes, Kerr, Kile, Lancaster, Lucas, Mason, McCoy, McCrillis, McCully, Montgomery of W., Newell of F., North, Quick, Rawlings, Read, Rose, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Standford, Stratton, Sweetser of Grant, Sweetser, M., Terrell, Walpole, Welch, Wilson, Woodard, and Mr. Speaker—70.

*Those who voted in the negative were,*

Messrs. Cole, Conner, Jones, Morgan, Peck, Rippey, Ross, Runyan, and Shoup—9.

So said joint resolution was indefinitely postponed.

No. 336, to amend the laws subjecting real and personal property to execution;

Was read a 2d time, when

Mr. Morgan moved to strike out of the third section thereof the words "good current funds," and insert "as good funds as the purchaser paid to the sheriff;"

Pending which,

Mr. Shawhan moved to refer the bill and amendment to the judiciary committee;

Which motion prevailed, and the bill was so referred.

Mr. Butler of C. made the following report:

MR. SPEAKER;

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor for his approval and signature the following entitled acts, to-wit:

No. 159, an act to incorporate the town of Carlisle in Sullivan county;

No. 107, an act to amend an act authorizing the appointment of pilots at the falls of the Ohio in this state, approved Feb. 1825.

No. 241, an act to authorize the citizens of Clay county to drain the round pond.

Mr. Butler of C. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of the following titles, and find the same duly enrolled, to-wit:

No. 274, an act to incorporate the Philolethean society in Jefferson county.

No. 173, an act to incorporate the trustees of the Daviess county seminary.

No. 97, an act to incorporate the Maumee and Wabash canal company.

No. 256, an act for the relief of the heirs of John Sawyer deceased.

No. 99, an act to prevent speculation by collectors in treasury notes and other purposes.

No. 299, an act to amend an act entitled an act to incorporate the town of Jeffersonville, approved Feb. 22, 1840.

Also bills of the Senate:

No. 97, an act concerning the late Mayor of the town of Lafayette in the county of Tippecanoe.

No. 93, an act regulating the times of holding circuit courts in the several counties of the second judicial circuit within the state of Indiana.

No. 25, an act to amend an act entitled an act subjecting real and personal estate to execution.

No. 123, an act to amend an act entitled an act to incorporate the Delphi insurance company, approved Feb. 4, 1837.

No. 92, an act to amend an act amendatory to an act entitled an act concerning the Seminary Townships.

No. 87, an act for the relief of Orson Willard.

No. 141, an act to incorporate the Liberty Band.

No. 101, an act to amend an act entitled an act to incorporate the city of New Albany and to repeal all laws now in force incorporating the town of New Albany, approved February 14, 1839.

No. 125, an act to amend an act incorporating Congressional townships and providing for public schools therein, approved February 17, 1838.

No. 149, an act to amend the charter of the Borough of Vincennes.

No. 143, an act to incorporate the Michigan City manufacturing company.

No. 98, an act relative to the surplus revenue of the United States allotted to Carroll county.

The following message was received from the Governor, by *Mr. Moore*, his private secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives that on yesterday he approved and signed:

An act to amend an act entitled an act authorizing the appointment of Pilots at the Falls of the Ohio in this State; approved February 7th, 1835;

An act to incorporate the town of Carlisle, Sullivan county;

An act to provide for a state road therein named;

An act to authorize the citizens of Clay county to drain the round pond;

All of which originated in the House of Representatives.

On motion,

The House adjourned until to-morrow morning 9 o'clock,



WEDNESDAY, FEB. 10, 1841.

The House met pursuant to adjournment.

Mr. Smydth of D. asked and obtained leave to make the following report, from the minority of the committee on Canals and Internal Improvements;

MR. SPEAKER:

The undersigned, the minority of the committee on Canals and Internal Improvements, to whom were referred the petitions of Messrs. Hugh and Robert Stewart, Clements and Rodrick, and M'Bay and Gallagher, contractors on the southern division of the Central canal, beg leave to submit to the *House*, the views which they entertain upon the subjects involved in the inquiry before them.

They entered upon the investigation of the matters submitted by the petitioners, in full view of the responsibility of those examinations which involve the interest of the state, and as they hoped, with the resolution that their conclusions should be sustained by justice, equity and right. At an early period, the counsel who represented the petitioners, was by the committee, restricted in the introduction of his evidence to the law of the land, and confined to those rules of evidence, which govern the settlements of individual transactions originating in the ordinary intercourse of society. Throughout the proceedings of the committee, therefore, the undersigned have considered themselves as governed by those rules as nearly as they understand them, and would consider themselves as liable to censure, were they to recognise a different rule, when, by their own act at the instance of the representative of the state, they have confined the petitioners to their rigid operation, even to the technical rules of evidence. Why should a principle adopted for the adjustment of individual interests, in the judicial tribunals of the country, be disregarded in the examination of claims against the state? If the state has prescribed laws for the creation, government and interpretation of contracts, and has placed herself by her own act, in such situation as to become a party to a contract, should she not be governed by those laws? What immunity, has she above those of the citizen, save those surrendered to her for legitimate and constitutional purposes? When she lays down a rule of conduct for the citizen to obey, and violates it herself with impunity, what security is there for the permanence of our institutions? The amplest guaranty of our happiness as a people, is the preservation of our public faith. If that is sullied by our own conduct—if our contracts are violated without remorse, and as suits the whim or caprice of individual ambition or corruption, our character (of which we are so much accustomed to boast) will soon become

unworthy of preservation. The undersigned can conceive of no earthly reason why a contractor upon our public works, because he is a contractor, should not have justice, full and ample justice—nor can they imagine the arguments which tend to prove that the state is not as much disgraced by the violation of her contracts with him as another citizen.

Many of those who have been contractors on our public works, are citizens of our own state—men of honesty and worth. Many others of equal integrity were allured amongst us by the inducements held out, when we commenced our system of Internal Improvements. The most of these men have invested their all in the prosecution of our public works, and it is now wrong, in every sense in which that word can be construed, that a deaf ear should be turned to their appeals for justice and right.

That their conclusions may be known and appreciated by the House, they will briefly recapitulate the chief facts, elicited by the investigation. There is a considerable mass of testimony, and they will only refer to it in general terms, leaving the House to examine and understand it.

In 1838, the southern division of the Central canal was let to contractors. The part on which these petitioners became the contractors was let at Petersburg. The Messrs. Stewarts became the contractors for sections 69 and 70 (usually called the Pigeon Summit) and sections 120, 121, 122, 123, 124, and 125 in the White river bottom. Messrs Clements & Rodick for section 101, and Messrs. McBay & Gallagher for section 91. These gentlemen commenced their work within the time prescribed by their contracts, and so far as the undersigned are informed rendered entire satisfaction, to the officers of the state, during its progress. From a report made by C. G. Voorhies, the Resident Engineer, and dated 28, October, 1839 we extract the following in confirmation of that view.

“Petersburg Letting—The work embraced in this letting has progressed during the past season beyond our most sanguine anticipations, and speaks well for the energy and capacity of the contractors engaged thereon, for the management and prosecution of heavy contracts, &c.”

Thus was this work progressing with entire satisfaction, when the contractors were arrested. The State was largely indebted to them, and they had progressed with their jobs upon their own resources and credit. But the order of the board of Internal Improvement of Nov. 9, 1839, *just one month before the meeting of the Legislature*; commanded them to “*immediately discontinue.*” The result is known to every man of intelligence in the country, and whether for our weal or woe, it is a part of our history, and the faithful historian will picture it truly.

The contractors were driven to abandon their work, and compelled to apply to the Legislature for relief. They had looked for justice in vain, from the board of Internal Improvements, and an appeal to the people’s representatives was the last resort. The Legislature at its last session passed an act and a joint resolution, for the settlement and

adjustment of their claims, and so far as these petitioners are concerned, the undersigned understand them to be fully satisfied with the mode of adjustment thus pointed out, if the *spirit* and *object* of the law are not disregarded. They complain that in every step towards an adjustment of their claims, they have met with the stern resistance of the board of Internal Improvements, and that they have been sadly taught that, to that quarter, they need no longer look.

We will briefly examine separately the three several claims that were referred to us. The House will perceive by reference to the petition of the Messrs. Stewarts, that they complain of a large deduction made upon their embankment work, on account of shrinkage. The amount proven to be thus deducted, by the evidence of Mr. Woodward, who was the assistant Engineer, and made the deduction, is upon the six sections (120, 121, 122, 123, 124 and 125) that is 55,911 cubic yards. This amount is ascertained by taking the average height of the unfinished embankment to be within a fraction of 10 ft. 10 inches, as ascertained by Mr. Morris and reported in his evidence, and calculating from the medium height of the embankment, and at the contract price (23 cents per cubic yard) would amount to the sum of \$12,859 53, a sum of too much importance to be lightly passed without an investigation of the principles which the claim of it involves.

To justify this deduction upon the part of the state, it is assumed that in the "Notice to Bidders" which was put up at the letting of the work, it is authorized, and also by the "specifications" furnished the contractors. It is also insisted that it is the custom of the country. In opposition to this it is contended by the contractors, that it is not justifiable, because it is no part of the contract—that the specifications and rules are merely directory to the Engineers, to secure uniformity on the several lines of the public improvements, and are not intended as a part of the contract.

The undersigned are of the latter opinion, and there is a view of it which may be deduced from the custom of our board of public works itself, which justifies this conclusion. That board has adopted no uniform system in the language of their "specifications" or "contracts"—each particular commissioner being left, as it seems, to adopt such phraseology as best suits his views. It is in evidence before the committee, that on the Madison and Indianapolis rail road, the contracts expressly make the "specifications" a part of them, and the specifications expressly allow a deduction for the shrinkage. Now if the commissioner on that line had known that universal custom justified this conclusion, without those clauses in the "specifications" and 'contract' wherefore the necessity of their insertion? If upon the Madison road they were necessary to grant the authority, are they not equally so elsewhere?

But in these contracts there is no such clause—there are no words which make the specifications a part of them. Indeed, the undersigned would hesitate much before they would admit, that, even if the specifications were a part of the contract, it is authorized, without giving to the contractor pay for the extra work. They say that "the banks

shall be raised to such extra height as the Engineer may deem necessary, in order that they may stand at the proper elevation, after becoming settled." Is there any thing in this language, which implies that it is to be done at the expense or loss of the contractor? The contract expressly says, that whenever the level of the canal line shall be changed and extra work shall be required, the contractor shall be paid for it. What is this but changing the level of the line? You set the stakes one or more feet above the original level, to another level, fixed by the Engineer, and require these contractors to do the extra work, to bring the embankment up to this last level. Certainly for this extra work he should have pay. But we place the decision of this question upon the ground, that as the contract is silent in regard to the specifications, as there is nothing in it, making them a part of it, they cannot be considered as binding on the contractor, but must be looked upon as merely directory to the Engineers. The common sense of the thing sustains this view of it. The specifications are rules for the building of the canal, and the contract requires the contractor to be governed by the Engineer. If he violates the contract he forfeits ten per cent. which is retained by the State. Now if the Engineer order him to do something contrary to the specifications (which he has the power to do) and he fails to do it, his contract is forfeited, and the result is precisely the same, if he violates the specification. This fixing a rule, that works but in favor of one party, is not only injurious to the party against whom it operates, but discreditable to the party claiming it.

But the law, most conclusively forbids the idea, that these specifications are a part of the contract. These contracts would not have been binding, had they not been put in writing, for the work not being engaged to be done, within twelve months, they would have been void, by our statute of frauds. Being in writing, they must be taken to mean what they contain. If they are unambiguous upon their face, nothing then was said or done by the parties, at the time of their creation, can be legitimately offered to contradict, vary or enlarge, their terms. It is positively laid down in all the law books, upon the subject of contracts, that not even the custom of the country shall prevail against them. Under this view of the law, which we do not understand as being denied by any intelligent man, we cannot consent to deprive the Messrs. Stewarts of the amount of \$12,859 53, which they have actually expended in work for the benefit of the State. According to our conception of the duty devolved upon us, we should be acting in bad faith, to refuse to compensate them for labor actually done, merely because some agent of the State had failed to insert a clause in the contracts requiring it. This is a method of dispensing justice, which does not comport with the rules established for the government of individual conduct, and why should it apply to States?

A difficulty has arisen between the contractors and the Board of Internal Improvements, in regard to the quantity of work done, on these several contracts, and the price for it, having in view the principle of relative value, adopted by the joint resolution of the last

session of the legislature. Mr. Voorhies, who was the resident Engineer upon the line, has made one or two reports upon the subject, but one of which is before us, together with an extract from another. Upon these reports, the contractors were paid, but they were not satisfied with the amount paid, and Mr. Ball, a resident Engineer on the Cross cut Canal, was sent to remeasure the work. A striking difference occurring in these two reports, which it is not necessary for us to notice particularly, either as to quantities and prices, for it is not contended by the Board of Internal Improvements that Voorhies's report is right. Voorhies himself swears that he cannot tell, which of his reports is right, nor whether either of them is so. The fact is, the evidence shows him and Woodward to be so manifestly incompetent, that the great wonder is, how and by what means such men have been so long kept in the service of the State, and have been so long confided with the important duty of determining upon so complicated and important interests.

The aggregate differences in the estimates of Voorhies & Ball, upon the contracts of the Messrs. Stewart's, are accurately set forth in their petition to the House, and the same proportioned difference is found in the other cases.

The report of Ball allows the contractors, in every case, considerably more than Voorhies, but it has not been adopted by the Board of Internal Improvements. Those reports have been referred to a corps of Engineers, elected by the Board, who, since the commencement of this session of the legislature, have visited the work. These several reports, together with some parol evidence constitute the facts before the committee.

The Board of Internal Improvements having admitted to the committee, that what had been done by Messrs. Voorhies & Woodward, could not be relied on, the undersigned will not rely upon any estimates or calculations of theirs, or upon any made upon data furnished by them. Even if Voorhies had been competent, he has not measured all the work, as it was his duty to do, and therefore his estimate should not be relied on. Morris, Fisher & Moore, the last Engineers who examined it, and whose integrity and skill as Engineers are not questioned, admit that they did not measure it, but merely confined themselves to a reconciliation of the discrepancies between Ball & Voorhies, adopting one or the other of their estimates, as to them seemed correct. The most of their estimates, therefore, are predicated upon data furnished by Woodward & Voorhies, and cannot be more relied on than if they had been estimated by themselves, for however scientific Messrs. Fisher & Moore, may be, they cannot estimate correctly upon data that is untrue.

It is impossible for us, in the brief space allowed to us, in making this report, to illustrate our views by such references to the testimony as is desirable; but we shall endeavor to make our views understood by a condensation of it, upon each particular subject of enquiry.

On sections 69 & 70 (the Messrs Stewart's) the amount of excavation for which they were paid, was 256,656 cubic yards, for which

they received the sum of \$65,288 91. Mr. Ball estimated the same work to contain 260,490, and to be worth \$70,332 30. This was his estimate of relative value, and was the contract price, (27 cents per cubic yard.) Messrs Morris, Moore and Fisher estimate the same to contain 256,047 cubic yards, which they estimate at \$65,590 57, or at a fraction more than 25 cents per cubic yard.

On section 91, (McBay and Gallagher contractors,) the amount of embankment for which they were paid, was 72,439 cubic yards, for which they received \$16,317 87. Ball estimated the same work to contain 73,635 cubic yards, and to be worth \$17,464 39. At the contract price it would have amounted to \$18,040 57. Ball's estimate was upon the principle of relative value. Messrs. Morris, Fisher, and Moore, estimate the work on this section to contain 73,635 cubic yards, (corresponding with Ball,) which they estimated as worth \$16,936 05, or \$528,34 less than Ball.

On section 101, (Clements and Roddick contractors) the amount of excavation for which they were paid, was 93,095. Ball estimated the same work to contain 97,131 cubic yards, and to be worth, at its relative value, \$25,254 06, which was the contract price. Messrs Morris, Moore and Fisher, estimated it to contain 96,356, which they fix at 25,347 cents per cubic yard, making \$24,423 89.

On sections 120, 121, 122, 123, 124 and 125 (Messrs Stewart's) the amount of embankment upon which they were paid, was 525,319 cubic yards, for which they received \$116,895 09. Ball estimated the same work to contain 529,755 cubic yards, the relative value of which he fixed at \$118,787 30, at the contract price (23 cents per cubic yard) it would have amounted to \$121,843 65. Messrs Morris, Moore and Fisher, estimate the same to contain 518,813 cubic yards, the relative value of which they fixed at \$120,294 83.

The undersigned refer to these discrepancies, in order to show the great difficulty to which they have been subjected, to arrive at a correct conclusion. They have been taught to regard the science of Engineering as capable of perfectly demonstrating all those things which are tested by its rules. If it is not so, but mere guess work, it has been taught to but little advantage, in our highest schools of learning and been subjected without profit to practical uses.

One thing in regard to Mr. Ball's report the committee may here properly notice. The estimates above alluded to were embraced in a report made by him to the board of Internal Improvements, dated the 16th November, 1840. This report was made as he declared upon the principle of "relative value," and submitted to the board. The board was dissatisfied with it, and it was altered "about the first week in December," by him "at the request of the board!" In the amended or supplemental report, he fixed the "relative value" of work done on sections 69 and 70 at \$67,192 62, which was \$3,139 68 less than his estimate of November. On section 101, he fixed the "relative value" at \$25,254 06, (exclusive of a small allowance for extra work, which is deducted in the above estimate of relative value, extracted

from his report of November,) which was \$780 02 less than his estimate of November.

It is worthy of remark here, that the first report of Mr. Ball was dated at Washington in Daviess county, and not a great distance from the work, and that the last was made at Indianapolis, at the request of the board!

The difference claimed to exist between them is, that the first is upon the principle of "relative value," and the last upon the "strict principle of relative value"—a difference which the undersigned acknowledge themselves incompetent to understand or appreciate. It will be observed that Mr. Voorhies swears that no effort was ever made by the board to induce him to change or alter a report—but certainly that testimony does not apply to Mr. Ball. The undersigned are not willing to attach censure to Mr. Ball, (for whom they entertain a high opinion as a gentleman and engineer,) for this alteration, but they cannot refrain from noticing the facts before them, that the House may be advised of the whole grounds on which they have based their judgment.

On the subject of the amounts which ought to be allowed to the several petitioners, the undersigned will further remark, that a difficulty arises at this time from the insufficiency of the original report of Voorhies, and the fact that much of the work cannot be re-measured, it having been done about fifteen months. Whatever may now be done, must be determined from the facts before us. It would be doing great injustice to the contractors to insist upon a re-measurement, where the work is, in many places, filled in with dirt, &c. If there had been competent men placed there at first, no difficulty would have arisen, and we should not now refuse them justice, because the agents of the State have been unfaithful.

Before we examine the several allowances which we think ought to be made, it may be well to notice the question of relative value. This is a mere matter of opinion—founded in most instances, upon mere observation:—as for instance, Voorhies visited the work about once a month, Ball never saw it but once, and Morris, Moore, and Fisher, visited it this winter, during a very inclement season, for the first time, when looking at it now, with the pits all excavated, the conclusion might probably be arrived at, that it would cost more to carry dirt from the pits to the top of the embankment, than it did to carry it to the bottom—therefore the engineers have concluded that the work to be done will cost more than that already done. To disprove this conclusion, however, it is proven by intelligent men, who, though not engineers, are respectable and honorable farmers of the adjacent country, who worked upon the embankments, that the earth was so excavated and hauled as to make it average in distance and quantity at each load, both in the bottom and top of the embankment as far as it has gone. The grubbing and clearing being all done, the hard earth at the surface being removed with picks and ploughs, so that now three hands can shovel as much dirt as five could at first while removing the hard earth, the hands all being engaged, the shantees all erect—

ted, and every thing necessary for the preservation of the work being passed by the contractors, it would naturally strike every man, looking at it as a simple proposition capable of illustration, without the kind of engineering experience and science to which the southern division of the Central canal has been subjected, that the more expensive part of the work was done, taking the whole contract and all its items into view. The conclusion therefore to which the undersigned have come, is the result of their judgment predicated upon the facts proven, and not upon the opinions of engineers (such as Messrs. Voorhies and Woodward) acknowledged incompetent.

Now if a man called upon disinterestedly to adjust this matter, were to examine these contracts, he would be much puzzled to find any thing in them authorizing these claims to be settled by the principle of relative value.

But if that principle is to be adopted, why should it not work both ways, as well for the contractors as the State? Recognizing it then as the legitimate rule, settled by the legislature in the joint resolution of last winter, we think that on section 91, Messrs. M'Bay and Gallagher are entitled to receive 26½ cents per cubic yard, or two cents more than the contract price, for the excavation they have done, in consideration that the most expensive part of the work is finished, and they should also be entitled to pay for the amount deducted on account of shrinkage—the reasoning applicable to the case of Messrs. Stuarts also applying to this work.

On this section, setting Voorhies' report aside, the remaining engineers have not differed as to the quantity done. Messrs. Ball, Morris, Moore and Fisher all fixing it at 73,635 cubic yards of excavation. This at 26½ cents per cubic yard, amounts to \$19,513 27, and at the contract price (24 cents) to \$18,040 59. To this amount must be added the amount deducted for shrinkage, which according to the principles of calculation adopted in the case of the Messrs. Stuarts, is 7255 yards, amounting to \$1077 67, at the contract price, and at 26½ to \$1,922 57. Adopting the principle of relative value, and taking the amounts for the execution of 1200 yards, fixed by Messrs. Morris, Moore and Fisher, at \$168 00 and 21.24 chains of grubbing and clearing fixed by them at \$901 78, and a small allowance which they allowed for clearing to obtain earth, their aggregate account will stand thus:

MESSRS. MCBAY & GALLAGHER.

73.635 c. yds. Embankment at 26½	\$19,513 27
7.255 " " deducted for shrinkage-26½	1,922 57
1.200 " Ex. at 14	168 00
21.42 chains grubbing and clearing \$42.10	901 78
Allowance for clearing to procure earth,	51 60
	<hr/>
	\$22,557 22

To this however should be added the difference between the above estimate for grubbing and clearing,



for it is in evidence that there is enough done to complete the job, and therefore they should be allowed the contract price which is \$50 per chain—the difference therefore is . . . . . 170 22

From which deduct . . . . .	\$22,728 44
Paid them . . . . .	17,535 87
	<hr/>
Shows a balance due them of . . . . .	\$5,192 57

On sections 69 and 70 it is proper that we should adopt the quantities of Mr. Ball, for he is the only Engineer amongst them who has ever measured all the work, and in 120, 121, 122, 123, 124 and 125, he has made the only examination except that of Voorhies which for the reason above assigned, be disregarded entirely. Therefore his estimates are adopted in these sections. The account of the Messrs. Stewarts therefore will stand as follows, allowing them 28½ cents per cubic yard, on sections 69 and 70, and 25 on sections 120, 121, 122, 123, 124 and 125 upon the principle of relative value.

MESSRS. H. & R. STEWART.

Sections 69 and 70, 260.490 cubic yds. ex. 28½ . . . . .	\$74,239 65
“ 120 to 125 (inclusive) 529.755 embk. 25 . . . . .	132,438 75
55.91 l yds. deducted at 25 . . . . .	13,977 75
Amount of grubbing and clearing &c, estimated by Ball and made 5,860.85, by Morris, Moore and Fisher we take Ball's estimate, and put it at the contract price as there is in evidence a certificate of Voorhies that it has all been estimated, therefore it is all done—the contract price being \$15 on section 69 and 70 and \$20 per chain of 66 feet on the other sections, . . . . .	5,425 00
Add to this ditching and clearing as reported by Morris, Moore and Fisher on section 69, 500 cubic yds. at 27 cts, . . . . .	135 00
On sec. 70, 109 cubic yds. at 27 cts. . . . .	29 43
	<hr/>
	\$226,245 58
Deduct amount paid contractors, . . . . .	\$187,442 91
	<hr/>
Will leave a balance due of . . . . .	38,802 67
	<hr/>
	38,802 67

But in order that the House may be fully advised of all the views in which this matter can be presented, we will submit another view of it, fixing the work done at the contract price, that a selection may be made between them. It is as follows:

On sec. 69 and 70, 260,490 c. yds. ex. at 27 . . .	\$70,332 30
In 120 to 125, 529,755 " em. 23 . . .	121,843 65
55,911 shrinkage 23 . . .	12,859 53
69 and 70, grubbing 167 chains \$15 . . .	2,505 00
120 to 125 " 146 " \$20 . . .	2,920 00
69 ditching 500 yds. 27 . . .	135 00
70 in 109 27 . . .	29 43
	<hr/>
	\$210,624 91
Deduct amount paid, . . . . .	187,442 00
	<hr/>
	23,182 91

These amounts appear large in either view, but certainly the state ought not to ask of one of her citizens to contribute this much to her prosperity when it is recollected that the Messrs. Stewarts are amongst the best and most industrious contractors in our state, that they have faithfully complied with all the terms of their contracts, the state ought not in justice to her own character and faith to refuse to pay them for work actually done. When it is recollected that these contracts were all taken with the expectation of receiving "par funds"—that the works were prosecuted for nearly one year, entirely upon the credit of the contractors, (the Messrs. Stewarts doing in that time about \$120,000 worth of work, without receiving a cent from the state)—that when they were paid with Treasury Notes, they had to convert the \$50 ones into par funds to pay their debts at great sacrifice, these as the other contractors whose claims are under consideration certainly are entitled to much credit for their perseverance. They have not asked remuneration for all this. They only ask to be paid for what they have done, in pursuance to the terms of their contracts, in such funds as the state can command. They demand nothing of greater value than Treasury Notes.

In regard to the claim of Messrs. Clements & Roddick, the undersigned will remark, that there is quite a discrepancy as to the amount, but they are inclined to adopt the estimate of Mr. Murphy, who has heretofore been in the service of the state, and who from his manner of testifying, displays a good share of intelligence. The reason of this preference is easily perceived by an examination of the evidence.

Messrs. Morris, Moore and Fisher base their report upon data furnished by Voorhies and Ball, and not upon their own measurement—for they admit that they only examined three stations on the line, to-wit, 1528, 1529 and 1545. Voorhies himself will not swear that his estimate is to be relied on, for he has not examined all the section. Mr. Morris, in his testimony, says, that on stations 1528 and 1529 Ball and Voorhies are both wrong, and that on 1545 they adopted Ball's, showing a difference between him and Voorhies of about 1200 cubic yards. He also says that they had in their possession the data of Murphy, and that Murphy was the nearest right on these three stations which he measured.

Now if the data was incorrect, as is clearly admitted in regard to these stations, how can their report be right? Murphy's estimate is thus sustained by Morris as regards quantity, and in relative value he is confirmed by four other witnesses. If Murphy is right on these stations, why adopt Ball's quantities on the remainder, when all of his that were examined are found erroneous? Murphy then is the only man besides Ball who has ever examined the section entire, and therefore we cannot throw aside his estimate, and we think Messrs. Clements & Roddick should be allowed it.

Adopting Murphy's estimate, their account will stand thus:

MESSRS. CLEMENTS & RODDICK.

72,64 chains grub. and clear. \$1000 per 72 ch.	1,008 88
144,509 cub. yds. exc. c. 26	37,572 34
1144 " ditching, 26	297 44
1250 " removal bk 26	325 00
	<hr/>
Aggregate cost of sec. at con. price,	\$39,203 66
Deduct,	
40,618 c. yds. ex. yet to do c. 19	7,717 42
Cash paid,	25,044 73
	<hr/>
	32,762 15
	<hr/>
Balance due them,	\$6,441 51

Thus the undersigned careful of the rights of the state, and anxious that entire justice may be done, have condensed their views of this important matter that the House may be fully apprised of the inducements which have led them to differ with their colleagues upon the committee. They have not suffered themselves to be betrayed into an anxiety for the advancement of individual interests further than strict and impartial justice demands. They have anxiously investigated the subject, and cannot conscientiously arrive at a different conclusion. With this report the testimony is submitted that the House may fully understand it.

Before they close they must be permitted to remark that if these claims are rejected by the Legislature, the petitioners are without relief. The courts of justice are closed to them, and whenever opened, we hear it clamorously declared that justice cannot be done the state. Who are those who thus impugn the motives of our judiciary? Let them bring forward their charges at this bar and the constitution has interposed a remedy for the removal of the corrupting sore upon our institutions. We can regard these declarations here even as resulting only from motives other than those which conduce to the establishment of public and private justice.

Does not our judiciary pass upon the rights of the citizen? and why should the state be afraid to trust it? But it is sometimes declared that though the courts are pure and intelligent enough, the juries cannot

be trusted. Let them who thus declare against the juries of the country read the history of the civilized world, and they will find the right of trial by jury is the ligament which ties the freeman to the government that grants it. It is the palladium of our constitutional hopes, and why should it not be trusted? But the undersigned think that ample justice may be done by the passage of the bill which they herewith report, and that thereby the faith and integrity of the state may remain untarnished.

SAM'L HOWE SMYDTH,  
WILLIAM JONES,  
THOMAS DOWLING.

*Mr. Stratton* made the following report:

MR. SPEAKER—

The committee on canals and internal improvements to whom was referred the petition of Clements & Roddick, have had the same under consideration and after a lengthy and full examination of the case, find that the state is justly due and owing unto the said Clements & Roddick the sum of eighteen hundred and two dollars and twenty-six cents for labor performed by them on sec. 101, on the southern division of the Central canal, including damage and interest up to this date.—Therefore the committee directed me to report the following bill and recommend its passage,

No. 367—For the relief of Clements & Roddick, contractors on the southern division of the Central canal;

Which was read the first time and passed to a second reading on tomorrow.

*Mr. Rayburn* made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Kosciusko county, praying that the east half of township No. thirty-one north, of range No. four east, be attached to Fulton county, have according to order had the same under consideration, have instructed me to report that they deem legislation at this time inexpedient on the subject, and ask to be discharged from the further consideration thereof.

The report was concurred in and the committee discharged.

The following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER—

The Senate has passed engrossed bills of the House of Representatives entitled.

No. 227—An act subjecting real and personal estate to execution, approved Feb. 4, 1831,

With an amendment, in which the concurrence of the house is requested.

Also a bill of the Senate entitled,

No. 134—An act to amend an act entitled, “an act relative to crime and punishment,” app. Feb. 10, 1831.

In which the concurrence of the house is requested.

No. 227 in message of the Senate and amendment thereto was taken up, when,

Mr. Smith of F. moved to concur with the following amendment.

“Strike out 4th section of Senate’s amendment.”

Which was adopted.

Mr. Hanna moved to concur with the following amendment.

That hereafter when any execution has been or shall be levied upon property real or personal, by any sheriff or other officer in this state it shall be his duty forthwith to select two good reputable disinterested householders of the county who shall be sworn by some person authorized to administer oaths, to make a just and faithful valuation of all such property as may be presented to them by said officer, which valuation they shall make as soon as may be after they are selected and immediately upon the valuation aforesaid shall be made, they shall return to said office the same in writing. Provided however that if property so levied upon does not exceed in value, ten dollars, it shall be at the option of the execution defendant, whether such valuation be made or not; and provided also, that the execution defendant may surrender his property for sale by the proper officer or claim the benefit of this act at his election.

Sec. 2. Whenever any officer shall receive the valuation of any property as aforesaid, he shall proceed to sell the same, being governed thereon in all respects by the provisions of the laws now in force, except so far as otherwise directed by this act.

Sec. 3. If on the sale day any property, (the same being personal property) shall not bring one half of its appraised value, said property shall not be sold, but the said officer shall in such case return the execution, stating the facts thereon; and in that event no other execution for the same demand shall be issued until the expiration of three months from the return day thereof; at which time a vendition exponas may issue on the demand of the plaintiff, his agent, or attorney, upon which the said property shall again be exposed to sale; and so on, at the end of each successive three months from the last return aforesaid, until the said debt, interest, and costs be paid; the said officer, in all proceedings under this act, subsequent to the valuation under the first execution shall be governed by said valuation ex-

cept that at any subsequent time thereto, the execution defendant shall have a further valuation thereof if he shall desire it; Provided, that the several processes herein before mentioned, shall operate as a lien on said property for three months after the return thereof, and such lien shall continue for twenty days after the said three months; and provided also, that the officer in no case, where he may return an execution under the provisions of this act, shall deliver to the execution defendant the said property until the said defendant shall execute to the plaintiff, a good and sufficient bond, conditioned that he will deliver said property to the person entitled to receive the same, at any time, on demand, made within the three months and twenty days aforesaid, in as good plight as the same then is, excepting injuries from natural causes, or accidents unavoidable.

Sec. 4. If at any time real estate shall be offered for sale by virtue of this act and the same shall not bring at least one half of the appraised value thereof, it shall not be sold, but the officer shall return the execution in the same manner provided for in case of personal property, from time to time other executions may be issued thereon, until a sale is had.

Sec. 5. Every person who shall appraise any property under this act shall be allowed the sum of seventy-five cents per diem for such services, to be taxed up in the the case, as a part of the costs.

Sec. 6. All laws and parts of laws contravening the provisions of this act are hereby repealed.

This act to take effect and be in force from and after its publication in the Indiana Journal.

Which amendment was agreed to, and the amendment of the Senate as amended, was then concurred in.

Ordered that the Senate be informed thereof.

Bill No. 134, named in the message was read the first time, when Mr. Rayburn moved that the bill be rejected.

And the ayes and noes being demanded thereon by Messrs. Blankenship, and Kile.

*Those who voted in the affirmative were,*

Messrs. Ball, Blankenship, Bowles, Burgess, Burton, Butler of Cass, Byers, Harding, Harrah, Howe, Kile, Lucas, Newell of White, North, Peck, Rayburn, Ritchey, Rose, Ross, Rulon, Shortridge and, Walpole—23.

*Those who voted in the negative were,*

Messrs. Akin, Atherton, Bowers, Bradberry, Brenton, Brown, Butler of V., Casey, Champer, Chrisman, Clark of D., Clark of Fountain, Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowl- ing, Dunn, Dunbar, Durbin, Elkins, Foote, Goodenow, Hamer, Hanna, Harrison, Henley, Jenckes, Jones, Kerr, Leslie, Mason, McCrillis, Mc-

Cully, Miller, Montgomery of Gibson, Montgomery of W., Morgan, Newell of F., Quick, Rawlings, Read, Rippey, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shoup, Sloan, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of Marion, Terrell, Welch, Wilson, Woodard, and Mr. Speaker—63.

So said bill was not rejected, but was read a second time.

Mr. McCoy moved the following amendment:

“Insert before the word cider, where it occurs, the word hard; Which was not adopted.

Mr. Akin moved to amend as follows:

Strike out one mile and insert half mile;

Which was not adopted.

Mr. Peck moved to add the following:

Amend by striking out all that part that prohibits the sale of cakes, meats, and fruits;

Which was not adopted.

On motion of Mr. Champer,

The rules were suspended and the bill read a third time, the question being on its passage.

And the ayes and noes being demanded thereon by Messrs. Bowles and Blankenship.

*Those who voted in the affirmative were,*

Messrs. Akin, Atherton, Blair, Bowers, Bradberry, Brenton, Brown, Butler of V., Casey, Champer, Chrisman, Clark of D., Clark of F., Clark of Tip., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin, Foote, Goodenow, Graham, Hamer, Hanna, Harrison, Jenckes, Jones, Kerr, Leslie, Mason, McCrillis, McCully, Miller, Montgomery of G., Montgomery of W., Newell of F., Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Runyan, Russell, Saylor, Shanks, Shawhan, Shoup, Smith of F., Sweetser of Grant, Sweetser of Marion, Terrell, Welch, Wilson, Woodard and Mr. Speaker—61.

*Those who voted in the negative were,*

Messrs. Ball, Blankenship, Bowles, Burton, Butler of C., Byers, Carr, Chiles, Elkins, Harding, Harrah, Henley, Hiatt, Howe, Kile, Lucas, McCoy, Morgan, Newell of W., North, Rose, Ross, Rulon, Shortidge, Sloan, Standford, Strattan, and Walpole—28.

So said bill passed.

Ordered that the Senate be informed thereof.

On motion of Mr. Clark of T.,

The House proceeded to the consideration of the orders of the day.

#### BILLS PASSED.

No. 115, a bill for the relief of Ann Gertrude Brick, and Adam, and Maurice Brick;

No. 318, a bill to amend an act regulating descents, distribution, and dower, approved Feb. 17, 1838;

No. 319, a bill to amend an act regulating the practice at suits of law, approved Jan. 29, 1831;

No. 320, a bill to amend an act to provide for the partition of real estate, approved Feb. 1, 1831.

No. 323, a joint resolution relative to the auditor of public accounts; Were severally read the 3d time, and passed.

Ordered that the Senate be informed thereof.

Mr. Jenckes asked and obtained leave to introduce the following resolution:

*Resolved*, That the Printer of this House be directed to print five hundred copies of bills from No. 160 to 166 inclusive, which bills constitute the new Revenue System established by the present legislature, and stitch them together in pamphlet form, and that the Secretary of State be directed to forward five copies of the same to the Clerk of each county in the State for the use of the county officer, as soon as possible.

Which was adopted.

#### BILLS ON THEIR SECOND READING.

No. 165, a bill to tax the individual stock in the several branches of the State Bank of Indiana, was read the second time, when

Mr. Dunn moved to amend as follows;

Strike out first of October, and insert first Monday in December.

Which was adopted.

Mr. Dunn moved further to amend, by adding the following as an additional section.

Sec. 2. It shall be the duty of the Cashiers of their respective branches, immediately after the November semi-annual dividends are declared to stockholders, to deduct from each stockholders dividend, an amount sufficient to pay his tax, as provided in the first section of this act.

Which several sums thus deducted, shall be placed to the credit of the Auditor of public Accounts, in the books of said branch, subject to the draft of said Auditor, in favor of the Treasurer of State,

Which was also adopted.

Said bill and amendments were then considered as engrossed, read a third time, [the rules suspended] and passed.

Ordered that the Senate be informed thereof.

No. 285, a bill to provide for the appointment of a special Agent to collect the suspended debt of this State, was read the second time, when,

Mr. Mason moved to add, at the end of the 4th section, the following;

And it shall be lawful for said Agent to make and execute any lease for any property belonging to the State, taken in any contract or compromise growing out of the sale of State bonds,



Which was adopted.

Mr. Clark moved to amend as follows;

Amend the 4th section by adding thereto the following proviso.

Provided, However, it shall not be lawful for the said Agent to make any contract, compromise, or composition whatever in relation to the settlement of the suspended debt, or sale of property belonging to the State, whereby it may become necessary, to make any further issue of State Bonds,

Which was adopted.

Mr. Mason moved the following amendment;

Add Treasurer and Auditor, in the 5th section,

Which was adopted.

Mr. Conner moved to recommit said bill and amendments to a select committee with instructions.

1st. To provide that a Fund Commissioner shall be elected by joint ballot vote of both Houses, whose especial duty it shall be to take charge of the suspended debt.

2nd. That said Fund Commissioner shall in all cases, where he may have good reason to believe that any of the bonds of the State of Indiana, are in the hands of any of the original purchasers, or in the hands of any holder, who he may have good reason to believe was privy to or connived at the fraudulent purchase of said bonds from the Fund Commissioners of this State, to institute suit in the name of Indiana for the recovery of the same, and he shall employ such counsel as may be deemed necessary.

Mr. McCoy moved to amend the instructions as follows,

“Strike out during good behaviour in the third line, and insert one year,”

Which was adopted.

Mr. Champer moved further to amend the instructions as follows.

Strike off the letter S from Commissioners, and provide that hereafter there shall be but one Fund Commissioner.

Pending which,

The House adjourned until 2 o'clock, P. M.

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2 o'clock, P. M.

The House met pursuant to adjournment.

And resumed the consideration of the amendment offered by Mr. Champer to the instructions proposed by Mr. Conner; and before any decision was had thereon;

Mr. Clark of T. called for a division of the question, being on committing,

Which was decided in the negative;  
So the *House* refused to commit said bill.

Mr. Mason then moved to amend the bill by striking it out from the enacting clause; and inserting in lieu thereof a substitute;

Which was read, when,

Mr. Stanford moved to amend the 18th section of said amendment, by striking out of the 2nd line, the words "in the State of Indiana," and all after the word "expenses" in the same line;

Which amendment was adopted.

Mr. Bowles moved to amend the amendment as follows;

Strike out the appointing power of the Governor and insert, "shall be elected by joint viva voce vote of both *Houses* of the General Assembly."

And the ayes and noes being demanded thereon by Messrs. Bowles and Rippey.

*Those who voted in the affirmative were,*

Messrs. Akin, Blankenship, Bowers, Bowles, Brenton, *Burton*, Butler of V., Byers, Carr, Casey, Champer, Chrisman, Clark of F., Coffeen, Conner, Dunbar, Foote, Graham, Hamer, Henley, Houghton, *Howe*, Jones, Kerr, Leslie, Lucas, M'Coy, M'Crillis, M'Cully, Montgomery of G., Montgomery of W., Morgan, Newell of F., Peck, Read, Ritchey, Rippey, Ross, Rulon, Runyan, Saylor, Schoonover, Shanks, Shawhan, Shoup, and Smydth of D.—46.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Bradbury, Brown, *Burgess*, Butler of C., Clark of D., Clark of T., Cole, Conwell, Defrees, Dowling, Dunn, Durbin, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Jenckes, Lancaster, Mason, Miller, Newell of W., North, Rawlings, Rayburn, Rose, Russell, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Welch, Wilson, Woodard, and Mr. Speaker—44.

So said amendment was adopted.

Mr. *Burton* moved the following amendment:

Insert in the proper place,

"*Provided*, That there shall be no bonds sold for, or interest paid on, any part of the suspended debt which is not secured by mortgage on real estate, or other undoubted security."

And the ayes and noes being demanded thereon by Messrs. *Burton* and Farrington,

*Those who voted in the affirmative were,*

Messrs. Bowles, *Burton*, Byers, Conner, Carr, Dunbar, Henley,

Leslie, Lucas, M'Coy, Read, Ritchey, Rulon, Shoup, Sloan, and Walpole—16.

*Those who voted in the negative were,*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of C., Butler of V., Champer, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dunn, Durbin, Farrington, Foote, Goodenow, Graham, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Mason, M'Crillis, M'Cully, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rawlings, Rayburn, Rippey, Rose, Runyan, Russell, Saylor, Shawhan, Shortridge, Smydth of D., Smith of F., Stanford, Sweetser of G. Sweetser of M., Terrell, Welch, Wilson, Woodard, and Mr. Speaker—71.

So said amendment to the amendment was not adopted.

Mr. Clark of Tippecanoe, offered the following amendment to the amendment:

Amend the fourth section by adding thereto the following proviso:

*Provided however,* It shall not be lawful for the said fund commissioner to make any contract, compromise, or composition whatever, in relation to the settlement of the suspended debt, or sale of property belonging to the State, whereby it may become necessary to make any further issue of State bonds.

Which was adopted.

Mr. M'Coy moved to amend the 1st section of the amendment, by inserting in the 4th line thereof after the word 'who,' the words 'shall serve for two years, unless removed by a joint resolution of the General Assembly.'

Which amendment was adopted.

Mr. Hanna moved to amend the 13th section of said amendment in 2nd line, by inserting after the word 'State,' the words 'and said commissioner.'

Which was adopted.

The amendment offered by Mr. Mason, as amended, was then adopted.

And the bill was so amended.

Mr. Dunn then moved to amend the bill by adding thereto the following, as an additional section:

Sec. —. The Treasurer of State shall be, *ex officio*, a fund commissioner, and in case of death, resignation, or when the acting fund commissioner may require his services in the transaction of business in this State or elsewhere, and on notice it shall be his duty to give his immediate attention thereto; and for the time he may be thus employed, he shall receive the same compensation that is allowed by law to the acting fund commissioner.

Mr. Stanford moved to amend the amendment by striking out the part allowing equal compensation with the fund commissioner to the

Treasurer of State, and inserting the words "his necessary expenses."

Mr. Montgomery of G. moved to lay the amendment and the amendment thereto, on the table.

Which motion prevailed.

Mr. Smith of F. then moved that the bill and amendments be considered as engrossed and read a third time.

Which was decided in the affirmative.

And the bill as amended was read a third time, and the question being,

Shall the bill pass?

And the ayes and noes being demanded thereon by Messrs. Bowles and Henley,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Butler of C., Butler of V., Champer, Chiles, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Goodenow, Hamar, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Lancaster, Mason, Montgomery of G., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rayburn, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Welch, Wilson, Woodard, and Mr. Speaker—63.

*Those who voted in the negative were,*

Messrs. Akin, Bowles, Brenton, Burton, Byers, Carr, Casey, Christian, Clark of F., Conner, Dunbar, Graham, Henley, Jones, Kerr, Leslie, Lucas, M'Coy, M'Culley, Miller, Montgomery of W., Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, Shanks, Shoup, and Sloan—30.

So said bill passed.

Ordered, that the Senate be informed of the same.

Mr. Mason then moved that the title of the bill just passed be amended by striking out the words 'special agent,' and inserting 'fund commissioner.'

Which motion prevailed, and the title was so amended.

On motion of Mr. Defrees,

No. 75, a bill to authorize the State Bank of Indiana to issue notes of a less denomination than five dollars;

Was then taken from the table; when,

Mr. Saylor moved that said bill be indefinitely postponed.

Mr. Cole moved to lay the bill on the table.

And the ayes and noes being demanded thereon by Messrs. Cole and Henley,

*Those who voted in the affirmative were,*

Messrs. Akin, Blankenship, Bowers, Bowles, Brenton, Byers, Carr Casey, Chiles, Chrisman, Cole, Conner, Dunbar, Durbin, Foote, Graham, Hamer, Henley, Houghton, Kerr, Leslie, Lucas, M'Culley, Newell of F., North, Rawlings, Ritchey, Rippey, Rulon, Saylor, Schoonover, Shanks, Shawhan, Shoup, Smydth of D., Sweetser of G., Sweetser of M., Walpole, and Mr. Speaker—39.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Bradbury, Brown, Burgess, Butler of C., Butler of V., Champer, Clark of D., Clark of F., Clark of T., Coffeen, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrison, Harrah, Hiatt, Howe, Jenckes, Kile, Lancaster, Mason, M'Crillis, Miller, Montgomery of G., Montgomery of W., Morgan, Newell of W., Quick, Rayburn, Rose, Runyan, Russell, Shortridge, Sloan, Smith of F., Stanford, Stratton, Terrell, Welch, Wilson, and Woodard—50.

And so the House refused to lay said bill upon the table.

The question then recurring on the motion to indefinitely postpone;

And the ayes and noes being demanded thereon by Messrs. Jenckes and Blair,

*Those who voted in the affirmative were,*

Messrs. Akin, Bowles, Brenton, Burton, Byers, Carr, Casey, Chiles, Chrisman, Clark of T., Cole, Conner, Dunbar, Durbin, Foote, Graham, Hamer, Henley, Houghton, Kerr, Leslie, Lucas, M'Coy, M'Cully, Morgan, Peck, Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, Shanks, Shoup, Sweetser of M., and Mr. Speaker—37.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Brown, Burgess, Butler of C., Butler of V., Champer, Clark of D., Coffeen, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Hiatt, Howe, Jenckes, Jones, Kile, Lancaster, Mason, M'Crillis, Miller, Montgomery of G., Montgomery of W., Newell of W., North, Quick, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Sloan, Smydth of D., Smith of F., Stanford, Stratton, Terrell, Walpole, Welch, Wilson, and Woodard—52.

So the House refused to postpone said bill indefinitely.

Mr. Hanna moved to amend the bill by adding the following; That it shall be lawful for the officers of the several branches of the State Bank of Indiana, to sign and fill up, the notes under five dollars hereby authorized to be issued, under the direction of the President and State directors of said bank."

Mr. Brenton moved to amend the amendment by adding the following.

Provided, That no suit shall be instituted against any debtor to the bank until the bank shall resume specie payment; and at no time shall the bank institute suit against any debtor during a suspension.

Mr. Dunn moved to lay the amendment to the amendment on the table; and the ayes and noes being demanded thereon by Messrs Chrisman and Brenton.

*Those who voted in the affirmative were.*

Messrs. Atherton, Ball, Blair, Blankenship, Brown, Butler of Cass' Champer, Clark of Dearborn, Clark of Tippecanoe, Coffeen, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Foote, Goodenow, Hammer, Hanna, Harding, Harrah, Hiatt, Howe, Jencks, Jones, Kerr, Kile, Lancaster, Mason, McCrillis, Miller, Montgomery of Gibson, Montgomery of Warren, Morgan, Newel of White, North, Peck, Quick, Rawlings, Rose, Ross, Runyon, Russell, Shawhan, Shortridge, Sloan, Smydth of Davis, Smith of Fayette, Stratton, Sweetser of G., Sweetser of M., Terrell, Welch, Wilson, Woodward—56.

*Those who voted in the negative were,*

Messrs. Akin, Bowers, Bowles, Brenton, Burgess, Burton, Byers, Casey, Chrisman, Cole, Conner, Dunbar, Durbin, Graham, Henley, Houghton, Leslie, Lucas, McCoy, McCulley, Read, Ritchey, Rippey, Saylor, Schoonover, Shanks, Shoup, Stanford, Walpole, and Mr. Speaker—30.

So the amendment to the amendment was laid on the table.

Mr. Dowling then moved to adjourn until this evening at 7 o'clock.

Mr. Sweetser of M. moved to amend the motion by striking out "this evening at 7 o'clock, and inserting "to-morrow morning 9 o'clock.

And the ayes and noes being demanded thereon by Messrs. Smydth of D., and Dunn.

*Those who voted in the affirmative were*

Messrs. Ball, Brenton, Brown, Burgess, Conwell, Durbin, Foote, Goodenow, Hanna, Harrah, Hiatt, Kile, Lancaster, Leslie, Peck, Ross, Stanford, Strattan, Sweetser of G., Sweetser of M., Terrell, Walpole—22.

*Those who voted in the negative were*

Messrs. Akin, Atherton, Blair, Bowers, Bowles, Burton, Casey, Champer, Chrisman, Clark of D., Clark of Tip., Coffeen, Cole, Conner, Defrees, Dowling, Elkins, Farrington, Graham, Hamer, Harding, Henley, Houghton, Howe, Jenckes, Jones, Kerr, Mason, M'Coy, M'Crillis, M'Cully, Miller, Montgomery of G. Montgomery of W., Newell of W., North, Quick, Rawlings, Read, Rippy, Rose, Runyon, Russell, Schoonover, Shanks, Shawhan, Shoup, Sloan, Smydth of D., Smith of F., Wilson, Woodard, and Mr. Speaker—53.

So the House refused to adjourn until to-morrow morning at 9 o'clock.

The question then recurring on the motion of Mr. Dowling to adjourn until this evening at 7 o'clock,

It was decided in the affirmative.

So the House adjourned until this evening at 7 o'clock.

7 o'clock, P. M.

The House met pursuant to adjournment.

The following message was received from his Excellency the Governor, by Mr. Moore his private secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives, that on this day he has approved and signed,

An act to incorporate the Maumee and Wabash Canal Company.

An act to prevent speculation by Collectors, in Treasury Notes and other moneys.

An act to incorporate the Trustees of the Daviess County Seminary.

An act to change the mode of selecting Petit Jurors in Brown and Martin counties.

An act fixing the time of holding Courts in the fourth Judicial Circuit.

An act for the relief of the heirs of John Sawyer, deceased.

An act to incorporate the Philolethean Society, in Jefferson county.

An act to amend an act entitled "an act to amend an act to incorporate the town of Jeffersonville," approved February 22, 1840.

All of which originated in the House of Representatives.

MR. SPEAKER:

The committee on engrossed bills have compared the engrossed, with the original bills of the House, as follows:

No. 318—To amend an act regulating descents, distribution and dower, approved Feb. 17, 1838.

No. 320—To amend an act to provide for the partition of real estate, approved Feb. 1, 1831.

No. 323—A joint resolution relative to the Auditor of public accounts.

No. 319—To amend an act regulating the practice in suits at law, approved Jan. 29, 1831.

And find the same correctly engrossed.

Mr. Butler of C., made the following Report:

MR. SPEAKER:

The joint committee on enrolled bills, report that they did on this day present to his Excellency the Governor, for his approval and signature, the following entitled acts and joint resolutions, to-wit:

No. 148—An act to amend an act, for the regulation of the State Prison, approved Feb. 17, 1838.

No. 346—An act to authorize the removal of the obstructions to the free passage of the water down Mud creek, and the mill fork of Eel river, in Morgan county.

No. 264—An act for the relief of Alexander Beard.

No. 339—An act to legalize the meeting of the Trustees of the Lagrange Collegiate Institute.

No. 262—An act to relocate the Rockport and Bloomington State road, in Martin county.

No. 347—An act to repeal an act entitled an act, regulating the jurisdiction of Justices of the Peace in the county of Hamilton, approved Feb. 18, 1840.

No. 50—An act to amend an act entitled an act, to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn, approved Feb. 1, 1834.

No. 327—An act for the relief of the Hancock County Library.

No. 180—A joint resolution relative to the destruction of the statutes of Dubois county.

No. 234—An act authorizing the survey of a canal from Peru, to the head of Salt river, and the Erie and Michigan Canal.

No. 187—An act to authorize Obediah Jones to build a mill dam across the Missisquoi, in Grant county.

No. 317—An act to amend an act, relative to crimes and punishment, approved Feb. 10, 1831.

No. 325—An act to locate a state road in Sullivan county.

No. 331—An act for the relief of A. B. Coleman.

No. 290—An act to locate a state road therein named.



No. 298—An act to amend an act, entitled an act concerning enclosures and trespassing animals, approved Feb. 17, 1838.

No. 158—An act to amend an act, to incorporate the Columbus and Driftwood Bridge Company, approved Feb. 8, 1839.

No. 152—An act for the relief of Cinderilla Hooker.

No. 116—An act to extend to the settlers on the Wabash and Erie Canal lands, approved Feb. 24, 1840.

No. 223—An act to legalize and give effect to certain official acts of the late Clerk of the Floyd Circuit Court.

No. 348—An act to change certain state roads therein named.

No. 189—An act in relation to school moneys deposited with the Superintendent of the loan office.

No. 139—An act authorizing an additional Justice of the Peace and Constable, in Jackson township, in the county of Putnam.

No. 153—An act for the relief of Elvira Garner.

No. 117—An act to confirm to Nathaniel West, a certain lease of water power therein named.

No. 240—An act for the relief of John Elden.

No. 352—An act to locate and change the name of certain roads therein named.

No. 313—An act to provide for the election of an additional Justice of the Peace, in the town of Putnamville, in Putnam county.

No. 127—An act to authorize the sale of the Asylum for the poor, in the county of Harrison.

No. 335—An act to provide for the election of an additional Justice of the Peace, in Bluffton, in Wells county.

No. 287—An act attaching certain territory therein named, to Jasper county.

No. 347—A joint resolution, suspending the 5th section of an act, passed the present session of the General Assembly, entitled an act for the relief of the Miami Indians.

No. 333—An act in relation to the jurisdiction of Justices of the Peace, in Posey county.

No. 162—An act for the election of county Assessor.

No. 112—An act to incorporate the Terre Haute Cavalry.

No. 303—An act respecting licenses for retailing spirituous liquors, in the city of Richmond.

No. 207—An act to incorporate the Trustees of the parsonage of the Methodist Episcopal Church, of the Brookville circuit.

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the House and find the same duly enrolled as follows, to-wit;

No. 258—An act fixing the time of holding courts in the fourth judicial circuit.

Mr. Butler of C. made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of the following titles and find the same duly enrolled, to-wit:

No. 148—An act to amend an act for the regulation of the State Prison, approved February 7th, 1838.

No. 346—An act to authorize the removal of the obstructions to the free passage of the water down mud creek and the mill fork of Eel river in Morgan county.

No. 264—An act for the relief of Alexander Beard.

No. 339—An act to legalize the meeting of the Trustees of the Lagrange Collegiate Institute.

No. 262—An act to relocate the Rockport and Bloomington state road in Martin county.

No. 347—An act to repeal an act entitled an act regulating the jurisdiction of justices of the peace in the county of Hamilton, approved Feb. 18th, 1840.

No. 50—An act to amend an act entitled an act to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn, approved February 1st, 1834.

No. 327—An act for the relief of the Hancock county Library.

No. 180—A joint resolution relative to the destruction of the statutes of Dubois county.

No. 234—An act authorizing the survey of a canal from Peru to the head of Salt river and the Erie and Michigan canal.

No. 187—An act to authorize Obediah Jones to build a mill dam across the Mississinaway in Grant county.

No. 317—An act to amend an act relative to crimes and punishment approved Feb. 10th, 1831.

No. 325—An act to locate a state road in Sullivan county.

No. 331—An act for the relief of A. B. Coleman.

No. 290—An act to locate a state road therein named.

No. 298—An act to amend an act entitled an act concerning enclosures and trespassing animals, approved Feb. 17th, 1838;

No. 158—An act to amend an act to incorporate the Columbus and Driftwood bridge company, approved Feb. 8th, 1839;

No. 152—An act for the relief of Cinderilla Hooker;

No. 116—An act to extend to the settlers on the Wabash and Erie canal lands, approved Feb. 24th, 1840;

No. 223—An act to legalize and give effect to certain official acts of the late clerk of the Floyd circuit court;

No. 348—An act to change certain state roads therein named;

No. 189—An act in relation to school moneys deposited with the superintendent of the loan office;

No. 335—An act to provide for the election of an additional justice of the peace in Bluffton in Wells county;

No. 287—An act attaching certain territory therein named to Jasper county;

No. 347—A joint resolution suspending the 5th section of an act passed the present session of the General Assembly entitled an act for the relief of the Miami Indians;

No. 333—An act in relation to the jurisdiction of justices of the peace in Posey county;

No. 162—An act for the election of County Assessor;

No. 112—An act to incorporate the Terre-Haute cavalry;

No. 303—An act respecting licenses for retailing spirituous liquors in the city of Richmond;

No. 139—An act authorizing an additional justice of the peace and constable in Jackson township in the county of Putnam;

No. 153—An act for the relief of Elvira Garner;

No. 117—An act to confirm to Nathaniel West a certain lease of water power therein named;

No. 210—An act for the relief of John Elden;

No. 352—An act to locate and change the name of certain roads therein named;

No. 313—An act to provide for the election of an additional justice of the peace in the town of Putnamville in Putnam county;

No. 127—An act to authorize the sale of the Asylum for the poor in the county of Harrison;

No. 207—An act to incorporate the Trustees of the parsonage of the Methodist Episcopal church of the Brookville circuit.

No. 209—An act to change the mode of selecting petit jurors in Brown and Martin counties;

No. 219—An act to provide for a state road therein named;

No. 274—An act to incorporate the Philolethian society in Jefferson county;

No. 173—An act to incorporate the Trustees of the Daviess county seminary;

No. 97—An act to incorporate the Maumee and Wabash canal company;

No. 256—An act for the relief of the heirs of John Sawyer deceased.

No. 99—An act to prevent speculation by collectors in Treasury Notes, and other purposes;

No. 149—An act to amend the charter of the borough of Vincennes;

No. 143—An act to incorporate the Michigan City manufacturing company;

No. 98—An act relative to the surplus revenue of the United States allotted to Carroll county;

No. 299—An act to amend an act entitled an act to incorporate the town of Jeffersonville, approved February 22d, 1840;

On motion,

The house adjourned until to-morrow morning 9 o'clock.

THURSDAY, FEBRUARY 11th, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Moffatt a member:

MR. SPEAKER—

The Senate has passed an engrossed bill of the House of Representatives, No. 313, entitled, an act to amend an act to provide for draining Lost creek in Vigo county, with one amendment, in which the concurrence of the house is respectfully requested.

The amendment made by the Senate to bill No. 313 in the message was concurred in by the house.

The following message was received from the Senate by Mr. Wright a member:

MR. SPEAKER—

The Senate has refused to concur in the amendment of the House of Representatives to bill of the Senate entitled,

No. 116—An act for the relief of Joseph H. Hendricks.

The Senate has passed an act, No. 61 of the house, entitled, an act to authorize the payment of contractors on the Wabash and Erie canal east of the mouth of the Tippecanoe river.

Mr. Smith of F. moved that a committee of free conference be appointed on the part of the House to confer with a similar committee on the part of the Senate in relation to the amendments to bill No. 106 in the message.

Which was agreed to.

And Messrs. Smith of Fayette and Dunn were appointed said committee.

The following message was received from the Senate by Mr. Hanna a member:

MR. SPEAKER—

The Senate have passed an engrossed bill of the House of Representatives No. 275. entitled, a bill for the relief of Andrew Wilson, with one amendment, to which the concurrence of the House of Representatives is respectfully requested.

The amendment made by the Senate to bill No. 275, was concurred in.

The following message was received from the Senate by Mr. Maquire their secretary:

MR. SPEAKER—

I am directed by the Senate to inform the House of Representatives that the Senate has passed an engrossed bill thereof, No. 137 entitled, An act more effectually to secure the purity of elections.

In which the concurrence of the house is respectfully requested.

No. 137 in the message,

Was read the first, second and third times (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

The following message was received from the Senate by Mr. Chamcerlain a member.

MR. SPEAKER—

The Senate has passed an engrossed bill of the House of Representatives entitled,

No. 365—An act supplemental to an act fixing the times of holding circuit courts in the 8th judicial circuit.

With one amendment, in which I am directed to ask the concurrence of the House of Representatives.

The amendment made by the Senate to bill No. 365 in the message was concurred in.

The following message was received from the Senate by Mr. Maquire their secretary:

MR. SPEAKER—

The Senate has passed engrossed bills thereof entitled,

No. 131—An act providing for a state road in the counties of Allen and Huntington;

No. 149—An act to amend an act entitled an act relating to county seminaries;

No. 158—An act to amend an act entitled an act to incorporate the Indiana Iron manufacturing company, app. Jan. 20, 1841;

No. 154—An act to repeal an act to incorporate the town of Lebanon in Boon county;

No. 159—An act for the relief of the collector of Scott county for the years 1834 and 1835;

No. 156—An act to repeal an act therein named relative to a state road in Delaware county;

No. 157—An act to incorporate the Washington band of Lafayette;

In which the concurrence of the House of Representatives is requested.

The Senate has also passed engrossed bills of the House of Representatives entitled as follows:

No. 48—An act to authorize the sale of certain school lands in the county of Jay;

No. 233—An act to repeal a certain act in relation to Dearborn county therein named, app. Feb. 5, 1839;

No. 251—An act to extend the time of payment to purchasers of school lands in Randolph county, and for other purposes;

No. 258—An act fixing the time of holding courts in the fourth judicial circuit;

No. 251 with an amendment, in which the concurrence of the house is requested.

Bills No. 131, 149, 154, 159, 156 and 157 in the message,

Were each read three several times, (the rules being suspended) and passed.

Bill No. 158,

Was read the first and second times, (the rules being suspended) and committed to the committee on corporations.

The amendment made by the Senate to bill No. 251, was concurred in.

The following message was received from the Senate by Mr. Elliott a member:

Mr. SPEAKER—

The Senate has passed an engrossed bill thereof, entitled,

No. 162—An act to provide for the payment of the interest on the public debt of the state of Indiana and for the redemption of the Treasury Notes of the state.

In which the concurrence of the House of Representatives is respectfully requested.

Bill No. 162 in the message,

Was read the first and second times, (the rules being suspended,) when,

Mr. Read moved to strike out "7 per cent." and insert "6 per cent." and "six per cent." after dollar bonds and insert "five."

Mr. Clark of T. moved to strike out all that part relating to Treasury Notes.

Mr. Smith of Fayette moved to lay Mr. Clark's motion on the table.

And the ayes and noes being demanded thereon by Messrs. Brenton and McCully,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Brown, Butler of C., Butler of V., Champer, Chiles, Coffeen, Cole, Coleman, Conner, Dowling, Farrington, Foote, Hanna, Harding, Harrah, Hiatt, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Mason, McCrillis, Miller, Montgomery of Gibson, Newell

of Fount., North, Quick, Rose, Runyan, Russell, Schoonover, Sloan, Smith of F., Sweetser of Grant, Sweetser of Marion, Terrell, Wilson, and Woodard,—43.

*Those who voted in the negative were*

Messrs. Akin, Blair, Bowers, Bowles, Bradbury, Brenton, Burgess, Burton, Byers, Casey, Chrisman, Clark of D., Clark of F., Clark of Tip., Conwell, Dunn, Dunbar, Durbin, Goodenow, Hamer, Harrison, Henley, Houghton, Leslie, Lucas, McCoy, McCully, Montgomery of War., Morgan, Newell of White, Peck, Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Shanks, Shawhan, Shortridge, Shoup, Smydth of D., Stanford, Stratton, Walpole, Welch, and Mr. Speaker—46.

So said amendment was not laid on the table.

The question then being on the adoption of the amendment as proposed by Mr. Clark,

And the ayes and noes being demanded thereon by Messrs. Burton and Cole,

*Those who voted in the affirmative were*

Messrs. Akin, Blair, Bowles, Bradbury, Brenton, Burgess, Burton, Casey, Chrisman, Clark of Fountain, Clark of Tip., Houghton, Lucas, McCoy, Montgomery of Warren, Rawlings, Rayburn, Ritchey, Rose, and Saylor—20.

*Those who voted in the negative were*

Messrs. Atherton, Ball, Blankenship, Brown, Butler of Cass, Butler of Vanderburgh, Byers, Champer, Clark of Dearborn, Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin, Elkins, Farrington, Foote, Goodenow, Graham, Hamer, Hanna, Harrah, Harrison, Henley, Howe, Jenckes, Jones, Kerr, Kile, Lancaster, Leslie, Mason, McCrillis, McCully, Miller, Montgomery of Gibson, Morgan, Newell of Fountain, Newell of White, North, Peck, Quick, Rippey, Ross, Rulon, Runyan, Russell, Shanks, Shawhan, Smydth of D., Stanford, Stratton, Sweetser of Grant, Sweetser of Marion, Terrell, Walpole, Welch, Wilson, Woodard and Mr. Speaker—68.

So said amendment was not adopted.

The question then being on the amendment proposed by Mr. Read, Mr. Dunn moved to lay the amendment on the table,

And the ayes and noes being demanded thereon by Messrs. Henley and Walpole,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blankenship, Bowers, Bradbury, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Champer, Clark of Dearborn, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Jones, Kerr, Lancaster, Mason, Miller, Montgomery of Gibson, North, Quick, Rose, Ross, Runyan, Russell, Shanks, Shawhan, Smydth of Daviess, Stanford, Stratton, Sweetser of Grant, Sweetser of Marion, Terrell, Welch, Wilson, and Woodard—55.

*Those who voted in the negative were*

Messrs. Akin, Blair, Bowles, Brenton, Burton, Byers, Casey, Chrisman, Clark of Fountain, Dunbar, Graham, Hamer, Henley, Houghton, Leslie, Lucas, McCoy, McCrillis, McCully, Montgomery of Warren, Morgan, Newell of White, Peck, Rawlings, Read, Rayburn, Ritchey, Rippey, Rulon, Saylor, Shoup, Walpole, and Mr. Speaker—33.

So said amendment was laid on the table.

Mr. McCoy moved to amend the bill by "striking out that part which authorizes the selling state bonds to pay interest on the public debt."

Mr. Terrell moved to lay said amendment on the table.

Mr. Jones called for the previous question,

Which was not seconded by a majority of the house.

The question then being on laying Mr. McCoy's amendment on the table,

And the ayes and noes being demanded thereon by Messrs. McCoy and Walpole,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Champer, Clark of Dearborn, Clark, Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Leslie, Mason, Miller, Montgomery of Gibson, Morgan, Newell of F., Newell of White, North, Peck, Quick, Rawlings, Rayburn, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Smydth of Daviess, Smith of F., Stanford, Stratton, Sweetser of Grant, Sweetser of Marion, Terrell, Walpole, Welch, Wilson, and Woodard—65.



*Those who voted in the negative were*

Messrs. Akin, Bowles, Brenton, Burton, Byers, Casey, Chrisman, Clark of Fountain, Conner, Dunbar, Graham, Hamer, Henley, Lucas, McCoy, McCully, Montgomery of Warren, Read, Ritchey, Rippey, Rulon, Saylor, Shanks, Shoup, and Mr. Speaker—25.

So said amendment was laid on the table,

Mr. Dunn moved to amend the bill as follows:

Strike out six per cent. sterling and seven per cent. New York Bonds and insert,

Bonds of such a description bearing such a rate of interest and of such a date as will command the money and best comport with the interest of the State: Provided, they shall not exceed seven percent. New York bonds;

Which was adopted.

Mr. Farrington moved to amend as follows:

Strike out the words, at their discretion, and insert by and with the advice and consent of the Auditor, Treasurer, and Governor, or a majority of them;

Which was adopted.

The rules were then suspended and the bill was read a third time, and on the question,

Shall the bill pass?

The ayes and noes being demanded thereon by Messrs. Bowles and McCoy.

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blankenship, Bowles, Bradbury, Brown, Burgess, Butler of Cass, Butler of V., Champer, Clark, of D., Clark of Tip., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Durbin, Elkins, Farrington, Foote, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Mason, Montgomery of G., Morgan, Newell of Fountain, Newell of W., North, Quick, Rawlings, Rayburn, Rose, Runyan, Russell, Schoonover, Shanks, Shawhan, Shortridge, Smydth of D., Smith of F., Standford, Stratton, Sweetser of Grant, Sweetser, M., Terrell, Walpole, Welch, Wilson, and Woodard—63.

*Those who voted in the negative were,*

Messrs. Akin, Blair, Bowers, Brenton, Burton, Byers, Casey, Chrisman, Clark of F., Dunbar, Graham, Hamer, Henley, Leslie, Lucas, McCoy, McCully, Montgomery of W., Peck, Read, Ritchey, Rippey, Rulon, Sloan and Mr. Speaker—25.

So said bill passed.

The following message was received from the Senate by Mr. Maguire their Secretary:

Mr. SPEAKER—

The Senate has disagreed to the amendments made by the House of Representatives to the amendments of the Senate to bill No. 227 of the House of Representatives, entitled, "an act supplemental to an act subjecting real and personal estate to execution," approved Feb. 4, 1831; and Messrs. Eggleston and Carnan have been appointed a committee of free conference on the part of the Senate to act with a similar committee which may be appointed on the part of the House of Representatives, to take into consideration the disagreement between the two Houses in relation to the amendments of the House to the amendments of the Senate to said bill of the House.

The Senate has concurred in the amendments made by the House of Representatives to the amendments of the Senate to bills of the House entitled,

No. 259, an act to secure the safety of the public funds by requiring bonds of certain officers; and

No. 332, an act concerning petit jurors in certain counties therein named.

The Senate has passed engrossed bills of the House of Representatives, entitled,

No. 294, an act to incorporate the Preachers Aid Society;

No. 328, an act to incorporate the town of Connersville;

No. 287, an act to incorporate the town of Cambridge City, Wayne county, Indiana;

Each with amendments, in which I am directed to ask the concurrence of the House of Representatives;

The Senate has also passed the following engrossed bills of the House without amendment:

No. 314, an act relative to lands returned to the school commissioners of Laporte county;

No. 288, an act to incorporate the Jonesborough bridge company;

No. 221, an act to amend an act incorporating the seminary in the county of Gibson and for other purposes, approved January 21, 1826, so far as relates to the Orange county seminary;

No. 194, an act to protect lands mortgaged to the state from forfeiture for the nonpayment of corporation taxes;

No. 281, an act to incorporate the Indianapolis Band of Musicians;

No. 306, an act to incorporate the Livonia Band of Musicians;

And also an engrossed joint resolution, entitled,

No. 344, a joint resolution in relation to the Historical Society of the State of New York.

The Senate has also passed engrossed bills thereof entitled.

No. 160, an act supplemental to an act pointing out the mode of levying taxes;

No. 57, an act to provide for the improvement of the Michigan Road;

No. 155, an act amendatory to the Charter of Michigan City.

Mr. Hanna moved that the House insist on the amendment made to bill No. 227, and that a committee of free conference be appointed on the part of the House to confer with a similar committee appointed on the part of the Senate;

Which was agreed to, and Messrs. Hanna and Champer were appointed said committee.

The amendments made by the Senate to bills No. 287, 328, and 294, were concurred in.

Bill No. 155, of the Senate was read the first and second times, (the rules being suspended, and committed to a select committee.

Bill No. 160 of the Senate, was read the first and second times, (the rules being suspended,) when

Mr. Ball moved to amend by inserting the following:

And all lands in the counties of Porter and Lake on which purchasers have not yet fully paid the amount;

Which amendment was not adopted.

Mr. Walpole moved to amend the bill as follows:

And all other lands on which final payment has not yet been made.

Mr. Durbin moved to lay the bill and amendment on the table;

Which was not agreed to.

Mr. Champer moved to lay the amendment proposed by Mr. Walpole on the table;

Which was agreed to.

Mr. Walpole moved to indefinitely postponed the bill.

And the ayes and noes being demanded thereon by Messrs. Walpole and Morgan.

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Ball, Blair, Bradbury, Brenton, Burgess, Burton, Byers, Casey, Clark of F., Coffeen, Cole, Conner, Dunbar, Durbin, Foote, Graham, Houghton, Jones, Kerr, Leslie, Lucas, McCoy, McCrillis, Montgomery of G., Morgan, North, Peck, Rawlings, Read, Rose, Ross, Schoonover, Sloan, Stanford, Walpole, and Woodard—38.

*Those who voted in the negative were,*

Messrs. Blankenship, Bowers, Bowles, Brown, Butler of C., Butler of V., Champer, Chrisman, Clark of D., Clark of T., Conwell, Defrees, Dowling, Farrington, Goodenow, Hanna, Harding, Harrab, Harrison, Hiatt, Howe, Jenckes, Lancaster, Mason, McCully, Montgomery of W., Newell of F., Newell of W., Rayburn, Ritchey, Rippey, Rulon, Runyan, Russell, Shanks, Shawhan, Shortridge, Shoup, Smydth of D., Smith of F., Stratton, Sweetser of G., Sweetser of M., Terrell, Welch, Wilson, and Mr. Speaker—47.

So said bill was not indefinitely postponed.

Mr. Morgan moved to commit the bill to the committee on Ways and means.

Which was not agreed to.

The bill then passed to a second reading on to-morrow.

Bill No. 157 of the Senate, mentioned in the message, was read the first, second and third times, the rules being suspended, and passed.

A message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill and a joint resolution of the House of Representatives entitled as follows, viz:

No. 98, an act regulating the taking up of animals going astray and water crafts and other articles of value adrift.

No. 229, a joint resolution providing for a correspondence between the Executives of Indiana and Ohio, in reference to the completion of the Wabash and Erie canal.

The first with an amendment and the last named without amendment; in the amendment of the Senate to bill No. 98 of the House, the concurrence of the *House* of Representatives is requested.

On motion of Mr. Morgan,

So much of the message as relates to bill No. 98, was laid on the table.

The House adjourned till 2 o'clock P. M.

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2 o'clock P. M.

The House met.

Mr. Blair moved to re-consider the vote on insisting on the amendment of the House to the bill of the Senate No. 116, entitled a bill for the relief of Joseph H. Hendricks.

Which was not agreed to.

Mr. Stanford, from the committee of Ways and means, asked and obtained leave to introduce a bill,

No. 368, a bill making specific appropriations for the year 1841;

Which was read the first and second times, the rules being suspended, and committed to the committee of the whole House and made the order of the day for to-morrow.

Mr. Chiles made the following report:

MR. SPEAKER:

The committee on the Judiciary to whom was referred a bill of the Senate No. 152, entitled, A bill authorizing certain suits to be brought in the name of the agent of an unincorporated society, have had the same under consideration, and have directed me to report the same to the House and recommend its passage, without amendment.

Bill No. 152, in the report, was read a third time and passed.

Mr. Graham moved to reconsider the vote taken on yesterday on the passage of bill No. 134, a bill to amend the act relative to crime and punishment;

Which was not agreed to.

ORDERS OF THE DAY.

The amendment offered by Mr. Hanna to bill No. 75, a bill to authorize the State Bank of Indiana to issue notes of a less denomination than five dollars, pending when the House adjourned on yesterday, was adopted.

Mr. Brenton moved further to amend as follows:

“It shall not be lawful for the bank after the first Monday in May, 1841, to institute suit against any debtor, unless the bank shall have resumed specie payment; nor shall the bank, at any time thereafter, be permitted to institute suit against any of its debtors during a suspension.”

Mr. Blair moved the previous question;

And the ayes and noes being demanded thereon by Messrs. Blair and Brenton,

*Those who voted in the affirmative were,*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bradbury, Brown, Burgess, Butler of C., Butler of V., Champer, Clark of D., Coffeen, Cole, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Foote, Goode-  
now, Harrison, Hanna, Harding, Hiatt, Jenckes, Jones, Lancaster, Mason, Miller, Montgomery of G., Morgan, Newell of F., North, Peck, Quick, Rawlings, Rayburn, Rose, Ross, Russell, Shortridge, Smydth of D., Smith of F., Standford, Stratton, Sweetser of G., Terrell, and Wilson—50.

*Those who voted in the negative were,*

Messrs. Bowers, Bowles, Brenton, Burton, Byers, Casey, Chiles, Chrisman, Clark of F., Clark of T., Conner, Dunbar, Durbin, Graham, Harrah, Henley, Houghton, Howe, Leslie, M'Culley, Montgomery of W., Newell of W., Read, Ritchey, Rippey, Rulon, Runyan, Saylor, Schoonover, Shanks, Shawhan, Shoup, Sloan, and Walpole—34.

So the House seconded the call of the previous question.

The question then being, Shall the main question be now put?  
And the ayes and noes being demanded thereon by Messrs. Akin and Bowles,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bradbury, Brown, Burgess, Butler of C., Butler of V., Champer, Clark of D., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hamer, Hanna, Harding, Harrah, Hiatt, Jenckes, Jones, Lancaster, Mason, Miller, Montgomery of G., Morgan, North, Peck, Quick, Rawlings, Rayburn, Rose, Ross, Russell, Shawhan, Shortridge, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Terrell, Wilson, and Woodard—51.

*Those who voted in the negative were,*

Messrs. Akin, Bowles, Brenton, Burton, Byers, Casey, Chiles, Chrisman, Clark of F., Clark of T., Conner, Dunbar, Durbin, Graham, Henley, Houghton, Howe, Kerr, Leslie, Lucas, M'Coy, M'Cully, Montgomery of W., Newell of F., Newell of W., Read, Ritchey, Rippey, Rulon, Runyan, Saylor, Schoonover, Shoup, Sloan, and Walpole—35.

So the House decided that the main question should be now put.

The question then being on the engrossment of the bill for a third reading;

And the ayes and noes being demanded thereon by Messrs. Akin and Brenton,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bradbury, Brown, Burgess, Butler of C., Butler of V., Champer, Clark of D., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Jones, Lancaster, Mason, Miller, Montgomery of W., Morgan, Newell of W., North, Peck, Quick, Rayburn, Rose, Ross, Runyan, Russell, Shawhan, Shortridge, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Terrell, Wilson, and Woodard—53.

*Those who voted in the negative were,*

Messrs. Akin, Bowles, Brenton, Burton, Byers, Casey, Chiles, Chrisman, Clark of F., Clark of T., Conner, Dunbar, Durbin, Foote, Graham, Hamer, Henley, Houghton, Kerr, Leslie, Lucas, M'Coy, M'Cully, Montgomery of G., Newell of F., Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, Shank, Shoup, Sloan, and Walpole—36.

So said bill was engrossed for a third reading.

On motion of Mr. Hanna, the rules were suspended, and the bill was read the third time.

Mr. *Henley* moved to commit the bill with instructions, to provide such provisions as will secure the redemption of the issues provided for in the bill at all times in specie, when presented at the counter of the bank."

Mr. *Smith* moved a division of the question.

Mr. *Hanna* moved the previous question, which was seconded by a majority of the House,

And on the question,

Shall the main question be now put?

The Ayes and Noes being demanded thereon, by Messrs *Henley* and *M'Cully*.

*Those who voted in the affirmative were*

Messrs *Atherton*, *Ball*, *Blair*, *Blankenship*, *Bradbury*, *Brown*, *Burgess*, *Burton*, *Butler of Cass*, *Butler of V.*, *Champer*, *Clark of Dearborn*, *Coffeen*, *Cole*, *Coleman*, *Conwell*, *Defrees*, *Dowling*, *Dunn*, *Elkins*, *Farrington*, *Foote*, *Goodenow*, *Hamer*, *Hanna*, *Harding*, *Harrah*, *Harrison*, *Hiatt*, *Howe*, *Jenckes*, *Jones*, *Lancaster*, *Mason*, *M'Crillis*, *Miller*, *Montgomery of W.*, *Morgan*, *Newell of F. North*, *Peck*, *Quick*, *Rawlings*, *Rayburn*, *Rose*, *Ross*, *Runyan*, *Russell*, *Shawhan*, *Shortridge*, *Smydth of D.*, *Smith of F.*, *Stanford*, *Strattan*, *Sweetser of G.*, *Terrell*, *Wilson* and *Woodard*—58.

*Those who voted in the negative were*

Messrs *Akin*, *Bowers*, *Bowles*, *Brenton*, *Byers*, *Casey*, *Chiles*, *Chrisman*, *Clark of F.*, *Clark of Tipp.*, *Conner*, *Dunbar*, *Durbin*, *Graham*, *Henley*, *Houghton*, *Kerr*, *Leslie*, *Lucas*, *M'Coy*, *M'Culley*, *Newell of F.*, *Read*, *Ritchey*, *Riphey*, *Rulon*, *Saylor*, *Schoonover*, *Shanks*, *Shoup*, *Sloan*, and *Walpole*—32.

So the House decided, that the main question should be now put.

The question then being,

Shall the bill pass?

The ayes and noes being demanded thereon by Messrs *Ritchey* and *Walpole*.

*Those who voted in the affirmative were*

Messrs. *Atherton*, *Ball*, *Blair*, *Blankenship*, *Bowers*, *Bradbury*, *Brown*, *Burgess*, *Butler of C.*, *Butler of V.*, *Champer*, *Clark of D.*, *Coffeen*, *Cole*, *Coleman*, *Conwell*, *Defrees*, *Dowling*, *Dunn*, *Elkins*, *Farrington*, *Goodenow*, *Hanna*, *Harding*, *Harrah*, *Harrison*, *Hiatt*, *Howe*, *Jenckes*, *Jones*, *Lancaster*, *Mason*, *M'Crillis*, *Miller*, *Montgomery*, *Newell of W.*, *North*, *Peck*, *Rayburn*, *Rose*, *Ross*, *Runyan*,

Russell, Shawhan, Shortridge, Smydth of D., Smith of F., Stanford, Strattan, Terrell, *Wilson* and Woodard—52-

*Those who voted in the negative were*

Messrs. Akin, Bowles, Brenton, Burton, Byers, Casey, Chiles, Chrisman, Clark of F., Clark of T., Conner, Dunbar, Durbin, Foote, Graham, Hamer, Henley, Houghton, Kerr, Leslie, Lucas, M'Coy, M'Cully, Newell of F., Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Schoonover, Shanks, Shoup, Sloan, Sweetser of G., and Walpole—36.

And so said bill passed.

On motion of Mr. Newell of F., the House took from the table joint resolution No. 263, "a joint resolution relative to the Wabash and Erie Canal."

Mr. Newell of F., moved to amend the joint resolution, by inserting the word "of principal and interest," which was adopted.

Mr. Montgomery of W., moved to amend the joint resolution by inserting after the words "present session," the words "succeeding session," which was agreed to.

Mr. Graham moved to amend the joint resolution, by striking out the word "if" and insert "as soon as," which was agreed to.

Mr. Hanna moved to amend the joint resolution, by inserting before the words "Canal lands," the words "proceeds of," which was agreed to.

Mr. Brown moved to lay the joint resolution and amendments on the table;

And the ayes and noes being demanded thereon by Messrs Newell of F., and Walpole.

*Those who voted in the affirmative were,*

Messrs Blair, Brenton, Brown, Chiles, Coleman, Dunn, Dunbar, Goodenow, *Hamer*, Harrah, Peck, Rose, Saylor, Walpole, and *Woodard*—14.

*Those who voted in the negative were,*

Messrs Akin, Atherton, *Ball*, Bowers, Bowles, Bradbury, Burgess, Burton, Butler of C., Butler of V., Byers, Casey, Champer, Chrisman, Clark of D., Clark of F., Coffeen, Conner, Conwell, Defrees, Dowling, Dunbar, Elkins, Farrington, Foote, Graham, *Hanna*, Harding, Harrison, Houghton, Howe, Jenckes, Jones, Kerr, Lancaster, Leslie, Lucas, Mason, *M'Coy*, M'Crillis, M'Cully, Miller, *Montgomery* of W., Morgan, Newell of F., Newell of W., North, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Ross, Runyan, Russell, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Smydth of



D., Smith of F., Stanford, Strattan, Sweetser of G., Sweetser of M., Terrell and Wilson—69.

And so said bill was not laid on the table.

Mr. *Walpole* moved further to amend as follows;

“It is hereby declared to be the duty of the Fund Commissioner to retain in his hand out of the first funds, coming into his hands from the sale of State Bonds as contemplated, to reimburse the state for all sums applied on work west of the Tippecanoe river.”

Mr. *Hanna* moved to amend the amendment, by inserting after the word “for” the words “interest on” which was agreed to.

On motion of Mr. *Hanna*, the joint resolution and amendments were referred to a select committee, consisting of Messrs *Hanna*, *Newell*, and *Dowling*.

On motion of Mr. *Morgan*,

Bill No. 359, to establish certain state roads therein named, and or other purposes, was taken from the table; when,

Mr. *Montgomery* of W., moved to add the following as an additional section to said bill, providing for a state road therein named, which was read and adopted.

Mr. *Sweetser* of G., moved to add two several sections to said bill providing for state roads therein named,

Which were also adopted.

The rules were then suspended, the bill considered as engrossed, read a third time and passed,

Ordered that the Senate be informed thereof.

No. 338—A bill to extend further time to borrowers of the School Fund, in the State of Indiana,

Was read the second and third times, (the rules being suspended) and passed.

Ordered that the Clerk inform the Senate thereof.

No. 284—A bill to provide for the appointment of a Fund Commissioner, and for other purposes, was read a second time and laid on the table.

No. 130—Of the Senate, a bill to repeal a part of the second section of an act, relating to public roads and highways, approved Feb. 24, 1840,

Was read the second time, and indefinitely postponed, on motion of Mr. *Morgan*.

No. 136—An engrossed bill of the Senate, repealing all laws now in force, authorizing the sale of State Bonds for Internal Improvements, was read the second time; when,

Mr. *Conwell* moved that it be indefinitely postponed,

Which was decided in the negative.

On motion of Mr. *Champer*, (the rules were suspended) and said bill read a third time; and the ayes and noes being demanded on the question of its passage by Messrs *Sweetser* of M., and *Newell* of F.

*Those who voted in the affirmative were,*

Messrs. Akin, Blair, Bowers, Bowles, Brenton, Brown, Burgess, Burton, Butler of V., Byers, Casey, Champer, Chiles, Chrisman, Clark of D., Cole, Coleman, Conner, Dunbar, Durbin, Foote, Graham, Hamer, Henley, Jones, Kerr, Leslie, Lucas, McCrillis, McCully, Miller, Montgomery of G., Montgomery of W., Morgan, North, Peck, Rawlings, Read, Ritchey, Rose, Ross, Rulon, Schoonover, Shanks, Shortidge, Sloan, Smydth of D., Standford, and Walpole—49.

*Those who voted in the negative were,*

Messrs. Ball, Blankenship, Bradberry, Butler of C., Conwell, Dowling, Farrington, Goodenow, Hanna, Harding, Harrah, Hiatt, Houghton, Jenckes, Lancaster, Mason, Newell of F., Newell of W., Quick, Rayburn, Rippey, Runyan, Russell, Shawhan, Shoup, Smith of F., Strattan, Sweetser of Marion, Terrell, and Wilson—30.

So said bill passed.

Ordered that the Senate be informed thereof.

No. 342, a bill for the relief of the borrowers of the surplus revenue in the several counties in this state;

Was read the second time, and on motion of Mr. Leslie, was indefinitely postponed.

No. 343, a bill to repeal part of an act incorporating the town of Indianapolis;

Was read the second and third times, (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

No. 350, a joint resolution relative to the State Library;

Was read a second time, when

Mr. Dunn, moved the following amendment:

And the Librarian shall give additional security in the sum of two thousand dollars.

Mr. Walpole moved that the bill and proposed amendment be indefinitely postponed;

And before any decision was had thereon,

On motion of Mr. Butler of V.,

Said bill and amendment were laid on the table.

No. 351, a bill to provide for the further construction of the Madison and Indianapolis rail road;

Was read a second time; when

Mr. Smydth of D., moved to commit said bill to a select committee with instructions to report a bill embracing the following principles.

Authorizing companies to complete the unfinished portions of the White-water canal; Madison and Indianapolis rail road; and Vincennes and New Albany turnpike road, or any part of said works which bill shall embrace the following provisions, viz:

1st. Commissioners be appointed on each work to open books of subscription at suitable places on each line.

2d. When stock to a sufficient amount on each work or either of them, is taken then the company to elect its president and other officers.

3d. That said works or such portion of either of them as shall be taken by such companies, shall be estimated by a State Engineer, and during the construction thereof, said companies shall respectively be as much under the control and direction of the Board of internal improvements and the state Engineers, as state contractors are now by contract and law bound to obey said officers.

4th. That when such portion of either of said works so undertaken by a company, shall have been completed to the acceptance of the Board of internal improvements, then the state to issue bonds to such company for the amount of work done, which bonds shall bear 6 per cent. interest—but the interest not to be paid until the expiration of ten years.

5th. Said state bonds not to be transferable by the company until the expiration of 10 years, but to be held as evidences of the state's indebtedness, until the expiration of that time.

6th. The company to draw its proportion (on each work) of tolls according to the amount expended, after deducting its proportion of the expenses of repairs.

7th. At the expiration of ten years, the state to take each work so finished by a company or such portion thereof as may be completed, and pay the proper company the amount expended with 6 per cent. interest deducting therefrom the amount received from tolls.

8th. The state to regulate the tolls on each work and to appoint collectors.

9th. Supply any other provision, that may be suggested to the committee in accordance with the object of this instruction.

Mr. Champer moved to lay the bill and instructions on the table.

And the ayes and noes being demanded thereon by Messrs. Cole and Blankenship.

*Those who voted in the affirmative were,*

Messrs. Blair, Brown, Casey, Champer, Clark of D., Clark of F., Cole, Coleman, Foote, Hamer, Leslie, Mason, Peck, Read, Smith of F., Stanford, and Sweetser of G.—17.

*Those who voted in the negative were,*

Messrs. Akin, Atherton, Ball, Blankenship, Bowers, Bowles, Bradberry, Brenton, Burgess, Burton, Butler of C., Butler of V., Byers, Chiles, Chrisman, Coffeen, Conner, Conwell, Dowling, Dunn, Dunbar, Durbin, Elkins, Farrington, Goodenow, Graham, Hanna, Harding, Harrah, Henley, Hiatt, Houghton, Jenckes, Jones, Kerr, Lancaster, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of Gibson, Montgomery of W., Morgan, Newell of F., North, Quick, Rawlings,

Rayburn, Ritchey, Rippey, Rose, Ross, Rulon, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Sloan, Smydth of D., Stratton, Sweetser of Marion, Terrell, Walpole, Wilson, and Woodard—70.

And so said bill and proposed instructions were not laid on the table.

Mr. Sweetser of *M.*, moved the previous question; and being demanded by a majority of the members present.

The said previous question was put, viz:

Shall the main question be now put?

And passed in the affirmative.

The main question was then put, viz:

Shall the bill be engrossed and read a third time?

And the ayes and noes being demanded thereon by Messrs. Smydth of D. and Quick.

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Blair, Blankenship, Bowers, Brenton, Burgess, Burton, Butler of Cass, Butler of Vanderburgh, Byers, Chiles, Chrisman, Coffeen, Coleman, Conwell, Dowling, Dunn, Dunbar, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Henley, Jenckes, Lucas, McCoy, McCrillis, McCully, Miller, Montgomery of G., Montgomery of Warren, Newell of F., Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Rulon, Runyan, Russell, Saylor, Shanks, Shortridge, Shoup, Sweetser of Grant, Sweetser of M., Terrell, Walpole, Wilson, and Woodard—55.

*Those who voted in the negative were*

Messrs. Ball, Bowles, Bradbury, Brown, Casey, Champer, Clark of Dearborn, Clark of Fountain, Cole, Conner, Defrees, Dunbar, Foote, Graham, Hamer, Hiatt, Houghton, Jones, Kerr, Lancaster, Leslie, Mason, Morgan, North, Peck, Rose, Ross, Schoonover, Shawhan, Sloan, Smydth of D., Smith of F., Stanford, and Stratton—34.

And so said bill was ordered to be engrossed for a third reading.

No. 354, a bill relative to the White-water canal;

Was read the second time; when

Mr. Shoup moved to amend with an additional section, viz:

That the Treasurer of State is hereby authorized to issue one hundred and twenty thousand dollars Treasury notes payable in five years, bearing six per cent. interest, an equal amount of fives and fifties and the same is hereby appropriated to the completion of the White-water canal lying between Brookville and the Laurel feede dam; when,

On motion of Mr. Chiles,

Said bill and proposed amendment were laid on the table.

No. 355, a bill giving to plaintiff's an election to bring suit on forfeited delivery bonds, or to pursue their remedy further by execution at their election;

Was read a second time and laid on the table.

No. 361, a joint resolution supplemental to an act to provide for the completion of that portion of the Cross cut canal, which lies between the feeder dam and Terre Haute, approved Jan. 30, 1841;

Was read the second time, when

Mr. Farrington moved to commit to a select committee with instructions to strike out the joint resolution from the resolving clause, and insert the following:

A supplementary to an act to provide for the completion of that portion of the Cross-cut canal, which lies between the feeder dam and Terre Haute.]

Whereas doubts are entertained as to the true intent and meaning of the act entitled an act to provide for the completion of that portion of the Cross-cut canal, which lies between the feeder dam and Terre Haute, approved Jan. 30, 1841—in regard to whether the said canal is to be completed, so as to be made navigable between said points, under the provisions of said act. Therefore,

Sec. 1st. Be it enacted by the General Assembly of the State of Indiana, That it is the true intent and meaning of the above recited act and it shall be so construed by the board of internal improvements in making any contract under it—that the completion of the unfinished portion of the Cross-cut canal from the feeder dam in Clay county to the Wabash river, at Terre Haute—shall be considered as requiring that said canal between the feeder dam and Terre Haute shall be made navigable; and for this purpose, wooden locks shall be constructed, where tumblers were proposed to be substituted by the board of internal improvements.

Sec. 2. That if any additional amount shall be required for the construction of said canal so as to be made navigable, over the sum appropriated by the above mentioned act, the same shall be borne by the individuals or company who shall make said canal, and no claim for any such additional expenditure shall be made against the state.

Sec. 3. This act to take effect and be in force from and after its passage.

Mr. Jones offered the following amendment to the instructions:

And further, said company shall be bound to keep said portion of said canal in repair, at their own expense, reserving to their own use, the tolls arising therefrom; and the state of Indiana shall have the right of dispossessing said company by paying their outlays, without interest thereon;

Which was accepted by Mr. Farrington.

And the ayes and noes being demanded thereon by Messrs. Dowling and Newell of F.,

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Ball, Blair, Bowers, Brown, Burton, Butler of V., Clark of D., Coffeen, Defrees, Dowling, Farrington, Goodenow, Graham, Harding, Houghton, Jenckes, Jones, Mason, McCoy, McCrillis, Miller, Montgomery of G., Newell of F., Newell of W., Quick, Rayburn, Rose, Rulon, Runyan, Russell, Schoonover, Shanks, Shawhan, Sloan, Smydth of D., Smith of F., Sweetser of M., Terrell, and Woodard—41.

*Those who voted in the negative were,*

Messrs. Bowles, Bradbury, Brenton, Burgess, Byers, Chrisman, Cole, Dunn, Dunbar, Foote, Hamer; Harrah, Harrison, Hiatt, Kerr, Lancaster, Leslie, McCully, Morgan, North, Peck, Rawlings, Read, Rippey, Ross, Saylor, Shortridge, Shoup, Stanford, Walpole, and Wilson—31.

So said joint resolution was committed with the instructions as proposed to a select committee of Messrs. Lancaster, Farrington and Brenton.

The following message was received from the Governor, by Mr. Moore, his private secretary:

## MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives that on yesterday he approved and signed:

A joint resolution relative to the destruction of the statutes of Du-bois county;

A joint resolution suspending the fifth section of an act passed the present session of the General Assembly, entitled an act for the relief of the Miami and other Indians;

An act to relocate the Rockport and Bloomington state road in the county of Martin, and relative to the New-Albany and Vincennes turnpike road;

An act to locate a state road in Sullivan county;

An act to amend an act entitled an act concerning enclosures and trespassing animals, approved Feb. 17, 1838;

An act to locate a state road therein named;

An act to amend an act entitled an act relative to crimes and punishments, approved Feb. 10, 1831;

An act for the relief of the Hancock county library;

An act to attach certain territory therein named to Jasper county;

A act respecting licenses for retailing spirituous liquors in the City of Richmond;

An act for the relief of Alexander Beard;

An act for the relief of John Eldon;

An act to provide for the election of a justice of the peace in the town of Putnamville, in Putnam county;

- An act to change certain state roads therein named;
- An act to authorize the removal of the obstructions to the free passage of the water down Mud Creek and Mill Fork of Eel river in Morgan county;
- An act to locate and change the name of certain roads therein named;
- An act to incorporate the trustees of the Parsonage of the Methodist Episcopal Church of the Brookville circuit;
- An act to legalize and give effect to certain official acts of the late clerk of the Floyd circuit court;
- An act to legalize the meetings of the trustees of the Lagrange Collegiate Institute;
- An act to repeal an act entitled an act to regulate the jurisdiction of the justices of the peace in the county of *Hamilton*, approved February 18, 1840;
- An act in relation to the jurisdiction of justices of the peace in Posey county;
- An act to provide for the election of an additional justice of the peace in Bluffton, Wells county;
- An act for the relief of A. B. Coleman;
- An act to incorporate the Terre Haute cavalry;
- An act entitled an act to amend an act entitled an act to amend and revise an act entitled an act to incorporate the several townships in the county of Dearborn, approved Feb. 1, 1834;
- An act to extend to the settlers on the Wabash and Erie canal lands, the benefits of an act for the relief of settlers on the Wabash and Erie canal lands, approved Feb. 24, 1840;
- An act authorizing an additional justice of the peace and constable in Jackson township in the county of Putnam;
- An act to authorize the sale of the asylum for the poor in the county of Harrison;
- An act to amend an act to incorporate the Columbus and Driftwood bridge company, approved Feb. 8, 1839;
- An act in relation to school moneys deposited with the superintendent of the loan office;
- An act to authorize Obadiah Jones to build a mill dam across the Mississinaway river in Grant county;
- An act for the election of county assessor;
- An act to amend an act for the regulation of the State Prison, approved Feb. 17, 1838;
- An act for the relief of Elvira Garner;
- An act for the relief Cinderilla Hooker;
- An act to confirm to Nathaniel West a lease of certain water power therein named;
- An act authorizing the survey of a canal from Peru to the head of Salt river and the Erie and Michigan canal;
- All of which originated in the House of Representatives.
- When on motion,
- The House adjourned until to-morrow morning 9 o'clock,

FRIDAY, FEBRUARY 12th, 1841.

The House met pursuant to adjournment.

PETITIONS PRESENTED.

By *Mr. Rawlings*, the petition of Robert Beswick and others, citizens of Jefferson county, praying that a portion of Jefferson county may be attached to the county of Scott.

Which was referred to a select committee of *Messrs. Rawlings, Welch, Goodenow and Woodard*.

By *Mr. McCully*, of sundry citizens of Carroll county in relation to the election of Assessors by the people.

Which was laid on the table.

*Mr. Schoonover* asked leave to withdraw from the files of the house of 1834—'35 the petition of the stockholders of the Washington county Trading and Manufacturing Company, praying an act of incorporation.

Which was granted.

*Mr. Clark* of Tippecanoe asked and obtained leave to make the following report.

*Mr. SPEAKER*—

The select committee to whom was referred the petition of sundry citizens of the town of Lafayette, praying the legislature to pass a special act of incorporation for said town, and also a remonstrance against the passage of such an act, have considered the said petition and remonstrance, and finding the number of remonstrants to exceed the number of the petitioners, are of the opinion that act of incorporation ought not to be granted. The committee have instructed me to report herewith a bill, entitled,

A bill to provide for the payment of the debts contracted by the late mayor and common council of the town of Lafayette under the charter of said town, approved Feb. 4, 1837.

Which was read three several times, (the rules being suspended) and passed.

*Mr. Jenckes* introduced a joint resolution, No. 370, on the subject of the state board of equalization.

Which was read the first and second times, (the rules being suspended,) when,

*Mr. Chiles* moved to amend the jt. resolution by striking out "John R. Porter," and inserting "Daniel Sigler."

Which was not agreed to.



Mr. Chrisman moved to strike out "Alexander Worth," and insert "Archibald Alexander."

On motion of Mr. Leslie,

The joint resolution and pending amendment were laid on the table.

Mr. Jenckes introduced joint resolution, No. 371, on the subject of the redemption and canceling of Treasury Notes,

Which was read three several times, (the rules being suspended) and passed.

Ordered that the Senate be informed thereof.

Mr. Sweetser of m., from the judiciary committee to whom had been referred bill No. 336, reported the same back with amendments, and the bill and amendments were laid on the table.

Mr. Walpole introduced bill,

No. 372—A bill defining the manner of selecting petit jurors in Hancock county.

Which was read three several times and passed.

Mr. Leslie made the following report:

MR. SPEAKER—

The committee on the Affairs of the town of Indianapolis to which was referred bill of the House, No. 307 entitled, a bill fixing the per diem allowance of members of the General Assembly, with amendments thereto, have according to order had the same under consideration and have instructed me to make the following

### R E P O R T :

The committee were struck in the first instance with what appeared to them to be the inappropriateness of the reference—their duties being confined to the guardianship of the interests of the state in the town selected for the erection of the capitol and other public offices of state, they were not readily mindful of the wisdom of referring the bill to them; not being willing however to question the justness and strict propriety of any act of the people's representatives, your committee upon deliberation have come to the conclusion that their duties being so entirely limited to the affairs of the town, the House of Representatives with much sagacity supposing the duties of your committee, brought them frequently in contact with the members of the Legislature, very wisely determined that none of the other committees of the house, had equal opportunities of judging of the labors and public services of the members. This point being thus settled, your committee gravely set about an examination of the subject matter of reference.

The proposition is to reduce the pay of members of the legislature—which proposition involves several collateral questions, that ought to be determined before we come to a final resolution upon its merits, and,

First. Your committee consider it of vast importance to the inter-

ests both present and prospective of this growing people, that their laws should be the results of wise and mature deliberation. No one should be admitted to the councils of the government who has not qualified himself for an intelligent and philanthropic discharge of the high duties we all owe to the society of which we are members. Without such qualifications associated with a sound integrity, few acquire the confidence of their neighbors or the respect of mankind. But possessed of these advantages, which virtue and industry alone confer, the citizen becomes prominent in his neighborhood, and in proportion to the extent of these possessions he becomes more or less distinguished.

It seems to have been wisely ordained that our duties and interests in this world should go hand in hand—for as we practice our duties, our interests are promoted—our purest aspirations are ever associated with an object beyond our present enjoyments: and in this world's considerations there is perhaps no one that enjoys more of our anxieties and hopes, than the improvement of our worldly condition. Your committee regard this anxiety, under proper restraints, as a virtuous aspiration. It is the great bond by which civilized society is held together, and the great lever by which it is most readily moved. Understanding the advantages it confers, every citizen desires to improve his fortune, and whether in the employment of his government, or pursuing his own private vocation, he expects to reap a reward commensurate with his labors. This, we are taught, is nothing more than justice.

Whilst employed in the public service heavy expenses are necessarily incurred, to meet which, payments have to be made from the public Treasury or out of the private means of the officer. If any compensation should be made, it ought at least to pay something more than the reasonable per diem expenses of the incumbent. He is at expense in preparing to leave home, he is at expense at home, whilst here, and under very heavy charges here—all of which taken together, make a sum of very near if not quite the present pay allowed by law.

In the second place, your committee would suggest that the present pay to members is not enough of itself to engage the services of men of learning and talent sufficient to warrant a proper discharge of the duties incumbent upon the legislator. Many who are doing much better at home, sacrifice their pecuniary interest and domestic comforts there, to come here with a view of rendering some service to their country. To such the present pay is no consideration for their sacrifices and privations, to say nothing of their actual labors. Their deep and laborious research into the business brought before the legislature, as closely engage their attention as if their own destiny depended on the result of their investigations. These labors are not only of the day, but night after night they are employed pouring over volumes of reports and laws, consulting the deliberations of other assemblies, and advising with the learned of other countries through the many volumes furnished them here, whilst the thoughtless of the many

are looking to this body as spending time here merely to seize upon the few dollars remaining in the Treasury. The services of such men are worth more money to the State than three dollars per diem. There are some, it is true, whose services are worth less—who have neither industry nor talent sufficient to enable them even properly to understand what they are sent here for. For the services of such, any compensation is high. They do no service to the State and less to the constituency sending them here. Your committee, out of respect to the present General Assembly, would hope that none such are here this session.

In the third place, your committee regard a just compensation for services rendered in the legislature as necessary to the preservation of the rights of the poor man. Make the compensation so low, that a man cannot pay his expenses here, and those of his family at home by it, and you at once shut the poor man out of the legislature. The rich, who can afford to spend the time and money necessary, will alone be candidates for seats in the legislature, and will more than indemnify themselves by the aristocratical features, they will make it convenient to give to all the laws. Some *very poor men* may be found who would declare their willingness to serve in the legislature for \$1,50 or \$2,00 per diem. Such men would be poor indeed—poor in purse, and poor in mind. Such men are not wanted in the legislature, poverty of itself is no objection—but ignorance totally unfits a man for the station, and his constituents would best promote their own interests by leaving such at home.

Your committee are aware, that there are many men throughout the country, who knowing little or nothing themselves of the business or duties of a member of the legislature, greatly underrate the services of those who are laboring and valuable members. Such men often get into high places by practising the demagogue, and imposing upon the honest minds of a confiding people. Your committee have good reason to hope that the legislature of Indiana is now, and for the future will be very little troubled by such persons, for if any such should be found in this Honorable body now or hereafter, your committee will venture to say they will not be much trouble.

Upon view of the whole ground, your committee have come to the conclusions,

First—That in order to procure adequate services in the legislature, a just compensation should be paid out of the State Treasury.

Secondly—That the present pay of three dollars per diem is not more than an extremely moderate pay; and

Thirdly—That a reduction of the pay below the present allowances by the law, would debar the poor man possessing qualifications, from a seat in this body and promote the spirit of Aristocracy.

Wherefore, your committee have instructed me to report said bill and amendments back to the House, to dispose of as their wisdom may dictate.

The report, together with the bill were laid on the table.

Mr. Butler of V., made the following report:

MR. SPEAKER;

The committee on the affairs of the town of Indianapolis, to whom was referred the petition of Jacob Kron, praying for a divorce from his wife Elizabeth, have had the same under consideration, and have directed me to report it back to the *House*,

And recommend its reference to the *serious consideration* of the Circuit Court to be holden in Vanderburgh county,

And ask to be discharged from the further consideration of the same, Which was concurred in.

Mr. Sweetser of G., made the following report:

MR. SPEAKER;

The committee on Claims, to whom was refered two communications from the Auditor of Public Accounts, concerning the accounts of Hiram Brown, W. W. Wick, John Pitcher, William Quarles, and Lockwood and White, for their services in prosecuting the claims of the state in certain cases named, have according to order had the same under consideration, and directed me to report the accompanying joint resolution.

No. 373—Relative to the Auditor of Public Accounts,

Which were read three several times, the rules being suspended, and passed.

Mr. Sweetser of G., made the following report:

MR. SPEAKER:

The committee on Claims, to whom was referred the petition of W. J. Brown, asking compensation as an arbitrator in the case between the state and Julia A. Wernwag, have had that subject under consideration, and have directed me to report, that in their opinion the said Brown ought to be allowed thirty dollars for ten days services as such arbitrator, no provisions being made in the special act, under which he acted for his payment, and have further directed me to report the accompanying section, and recommend its insertion in the specific appropriation bill.

Which was laid on the table.

MR. SPEAKER;

The committee on Claims to whom was referred a resolution, instructing them to "examine what allowance should be made the Auditor of Public Accounts, for additional services rendered by him during the last year in issuing Treasury Notes, and that they report the amount so due," have, according to order had the same under consideration, and have instructed me to report, that from the examination they have been enabled to make, they are satisfied, that servi-

ces to a considerable amount has been rendered by the Auditor, under the acts authorizing the issue of said Treasury Notes, for which he has not received any compensation; but, that owing to the late period of the session at which the subject was referred to the committee, they have not been able to obtain such information as would justify them in determining definitely what sum the Auditor should be allowed for said services; and as the Fund Commissioners of the state, are fully acquainted with this subject, and have a knowledge of the services rendered by the Auditor, and what the same would be reasonably worth. The committee have directed me to report the accompanying section, and recommend that it be inserted in the specific appropriation bill.

Which was concurred in, and the section so reported was referred to the committee of the whole, to which the specific appropriation bill was referred.

Mr. Sweetser of G., made the following report:

Mr. SPEAKER—

The committee on claims to whom was referred bill No. 145 of the Senate, "a bill for the relief of John S. Forgay, late collector of Tippecanoe county, for the year 1839," have had the same under consideration, and have directed me to report, that in the opinion of the committee, there is already sufficient provision made for the relief of the said Forgay in an act entitled an act to authorize the refunding of moneys in certain cases, Approved Feb. 14th, 1840; the committee therefore recommend that the bill lie upon the table.

Which was concurred in and the bill laid on the table.

Mr. Sweetser of G. made the following report:

Mr. SPEAKER—

The committee on claims to whom was referred a resolution of the house on the subject of making a specific appropriation to Milton McPhetridge, agent of the Saline fund in Monroe county, for his services as such agent, accompanied with instructions to inquire into the expediency of reporting a general bill on the subject, have according to order had the same under consideration, and directed me to report that they deem legislation on this subject at this time inexpedient, and ask to be discharged from the further consideration of the matter.

Which was concurred in.

Mr. Morgan made the following report:

Mr. SPEAKER—

The committee on roads to which was referred the petition of Thos.

Bowman and others, praying for a change in a certain state road, have had the same under consideration and instructed me to report it inexpedient to legislate on the subject, and ask to be discharged from the further consideration of the same.

Which was concurred in.

Mr. Morgan made the following report:

Mr. SPEAKER—

The committee on roads to which was referred No. 301, entitled, a bill to vacate a state road in the counties of Elkhart and Kosciusko, and No. 171, entitled, a bill declaring a certain name therein a misprint and for other purposes, have had the same under consideration, and instructed me to report the first named back without amendment, and recommend its indefinite postponement, and the last named with one amendment, in which the concurrence of the house is requested, with which they recommend the passage of the bill.

Strike out all after the word "act" in the 6th line of the third section.

Which report was concurred in, the first named bill being indefinitely postponed, and the last named, as amended, read a third time and passed.

Mr. Dowling, from the committee on canals and internal improvements, made the following report:

Mr. SPEAKER—

The committee on canals and internal improvements to whom was referred the petition of Eli Davis, have had the same under consideration, and have directed me to report the accompanying bill.

No. 374—A bill for the relief of Eli Davis.

Which was read three several times, the rules being suspended, and passed.

Ordered that the Senate be informed thereof.

Mr. Smith of F. made the following report:

Mr. SPEAKER—

The committee on canals and internal improvements to whom was referred a bill to provide for the settlement of disputed claims upon the public works, have directed me to report back the same with one amendment and recommend its passage.

Strike out the bill from the enacting clause and insert the following:

Which was read and concurred in; and the bill, as amended, read a third time and passed; and

Ordered that the Senate be informed thereof.

On motion of Mr. Smith of F.,

The report of the majority of the committee on canals and internal improvements in relation to the claim of the Messrs. Stewarts, was taken from the table.

The question being on concurring in the report of the committee,

The ayes and noes being demanded thereon by Messrs. Smydth of D. and Smith of F.,

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Burton, Butler of C., Clark of D., Clark of Fountain, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conwell, Defrees, Dunn, Durbin, Farrington, Goodenow, Graham, Hanna, Harding, Harrah, Harrison, Howe, Jenckes, Lancaster, Mason, McCully, Montgomery of Warren, Morgan, Newell of White, North, Quick, Rayburn, Runyan, Saylor, Shawhan, Shortridge, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole and Wilson—55.

*Those who voted in the negative were,*

Messrs. Akin, Butler of Van., Byers, Casey, Chrisman, Dowling, Dunbar, Hamer, Henley, Houghton, Jones, Kerr, Leslie, McCoy, Miller, Montgomery, Newell of Fountain, Ritchey, Rippey, Rulon, Shoup, Sloan, Smydth of D., Woodard and Mr. Speaker—25.

So the report of the majority of the committee of canals and internal improvements was concurred in.

MR. SPEAKER—

The committee on corporations to whom was referred bill No. 158 of the Senate, to amend an act entitled an act to incorporate the Indiana Iron Manufacturing Company, approved January 20th, 1841, have had the same under consideration according to order, and have directed me to report the same back to the house without amendment and recommend its passage.

No. 158—A bill to amend an act to incorporate the Indiana Manufacturing company, app. Jan. 20, 1841,

Was read the third time and passed.

Mr. Graham from the committee on corporations, made the following report:

MR. SPEAKER—

The committee on corporations to which was referred bill of the house No. 238, "to incorporate the Knox county Savings Institution,"

have had the same under consideration and have directed me to report the same back, with one amendment, to-wit, insert the letter "h" directly after the letter "s" in the 12th word of the sixth line of the first section, and finally recommend that it be indefinitely postponed.

Which was concurred in, and the bill was indefinitely postponed.

Mr. Farrington made the following report:

MR. SPEAKER—

The committee on the State Bank to whom was referred a joint resolution in relation to the condition of State Bonds passed from the agents of the State without payment, have had the same under consideration, and have directed me to

### R E P O R T :

That they have deferred making an earlier report upon the joint resolution until the action of the House was had upon the bill appointing a Fund Commissioner and prescribing his powers and duties, which contains full and ample provisions in reference to the subject matter embraced by the joint resolution. That bill having passed the House the committee deem it unnecessary further to legislate upon this subject, and direct me to report the joint resolution back to the House and ask to be discharged from the further consideration thereof.

No. 237—A joint resolution in relation to certain State Bonds,  
Was laid on the table.

Mr. Newell of F. made the following report:

MR. SPEAKER—

The select committee to whom was referred a joint resolution relative to the Wabash and Erie Canal, have had the same under consideration and made one amendment which is by adding the following as an additional section:

3. So soon as any money shall be received from the sale of any of said lands, so much thereof as may be necessary shall be applied to reimburse the state in moneys paid by the state for interest on the amount expended on said canal west of Tippecanoe and for the payment of any interest that may accrue on loans made to aid the state in the construction of said canal.

Which was concurred in.

Mr. Brown moved to amend the joint resolution by adding the following;

"Provided that no State Bonds shall be sold for the prosecution of the Wabash and Erie Canal for twelve months to come."

Which was adopted.



The joint resolution was then considered as engrossed and read the third time and passed.

Ordered that the Senate be informed thereof.

Mr. Brown made the following report:

MR. SPEAKER—

The select committee to whom was referred the bill of the Senate, No. 155, entitled, a bill to amend the charter of Michigan City, have had the same under consideration and directed me to report the same without amendment.

Which was concurred in, and the bill was read the third time and passed.

Mr. Byers made the following report:

MR. SPEAKER—

The select committee to whom was referred the petition of sundry citizens of Monroe county, praying the repeal of the 103d and 104th sections of the act regulating the jurisdiction and duties of justices of the peace, app. Feb. 17th, 1838, so far as relates to said county, have had the same under consideration, and have directed me to report the following bill,

No. 375—A bill to repeal the 103d and 104th sections of the act regulating the jurisdiction and duties of justices of the peace, approved Feb. 17, 1838, so far as relates to Monroe county,

Was read the first and second times, (the rules being suspended) and laid on the table.

Mr. Lancaster made the following report:

MR. SPEAKER:

A majority of the select committee to whom was committed the joint resolution of the House, supplementary to the act providing for the completion of the Cross-cut canal, with instructions to strike out the said joint resolution from its resolving clause, and insert a section with provision for such a construction of the act aforesaid, as shall require the company so to complete the said canal as to render the same navigable, and also to secure the State from any expense for the said work in addition to the eighty thousand dollars of State bonds to be paid the said company; having acted upon the same, hereby report the same back to the House, with the proposed amendment, namely: To strike out the said joint resolution from its resolving clause, also to amend the title to the same, and insert the following:

Which was concurred in.

No. 361, a bill supplementary to an act to provide for the completion of that portion of the Cross-cut canal which lies between the Feeder-dam and Terre-Haute, approved January 30, 1841.

Was then read the third time and passed,  
Mr. Brenton made the following report:

MR. SPEAKER:

The Judiciary committee to whom was referred a bill of this House No. 304, to amend an act entitled an act regulating fees and salaries, &c., approved Feb. 7th, 1831, have had the same under consideration and directed me to report the same back and recommend its indefinite postponement,

Which was concurred in.

And the bill (No. 304) was indefinitely postponed.

Mr. Farrington made the following report:

MR. SPEAKER:

The select committee to whom was referred the bill extending the boundaries of Martin county, with instructions to inquire into the constitutionality and expediency of the proposed change, have had the same under consideration, and a majority of the committee

#### REPORT :

That they have no other source for information to ascertain whether Daviess county, by parting with the territory proposed by the bill to be attached to Martin county, would contain four hundred square miles, to which she is entitled under the constitution, than by reference to the map of Colton of Indiana, compiled from the United States' surveys, by S. D. King, and their notes accompanying the same. Daviess county being bounded on the west and south by the two forks of White-river, the quantity contained in the fractions cannot be accurately computed by the map. By the notes accompanying the map, the quantity of land contained in Daviess county is stated to be four hundred and twenty square miles. The quantity of land proposed to be taken from Daviess and attached to Martin by this bill, is, as near as can be computed, twenty-one and three-fourths square miles. If these estimates are correct, Daviess county, by the proposed change, would be brought below her constitutional quantity of territory by one and three-fourths square mile. Your committee are therefore of the opinion that the boundary of Martin county ought not to be extended as provided for by this bill.

If the opinion of the committee as above is correct, the question of expediency would seem unnecessary to be brought into consideration. They will however remark that at an early period of this session a petition was presented by the citizens residing along the eastern boundary line of Daviess county, praying to be attached to Martin county. The quantity asked was off the whole eastern line of Daviess county, and so large in quantity as not to leave to that county her

complement of four hundred square miles. The committee to whom the petition was referred, reported it inexpedient to grant the prayer of the petitioners, This bill is not based upon a petition praying for the boundaries embraced by it. This your committee think should always be the case where any changes of county boundaries are proposed. From these considerations your committee deem it inexpedient to make the change proposed by the bill, and therefore a majority of the committee have directed me to report the bill back to the House and recommend its being laid on the table.

JAMES FARRINGTON,  
S. H. SMYDTH.

The undersigned, minority of said committee, dissents from the above report.

First as to its constitutionality.

The map referred to by counting the sections, makes the quantity contained within the boundaries of Daviess county 426 square miles, in Colton's map of Indiana, by counting the sections put down in his map, there is over 436 square miles, yet the Gazetteers put down but 420 miles. The great difference between the number of square miles contained in this county as reported by the maps and gazetteers, is conclusive evidence to the minority of this committee, that the fractional sections are not strictly taken into consideration in the aggregate number of miles given by the gazetteers, and that Daviess county does in reality contain 420 square miles more than this bill calls for.

As it regards expediency, the quantity claimed by this bill being much less than than the petition prayed for, on that account the minority of the committee think it less objectionable, as a small quantity of territory would be given up with more cheerfulness by any county than a large one.

The three points of difference between the committees are these: The majority of the committee think it unconstitutional, inexpedient, and that the bill ought to be laid on the table: The minority is clearly of opinion that it is constitutional, expedient and would be greatly obliged to the members of this *House* if they would pass the bill.

AARON HOUGHTON.

No. 271, a bill extending the boundaries of Martin county, was laid on the table.

Mr. Farrington made the following report:

MR. SPEAKER:

The committee on the *State Bank* to whom was referred the bill to provide for the payment of the debt due the branch at *Evansville* of the *State Bank of Indiana*,

## REPORT :

That they have had the same under consideration, that they regard the right of the State of Indiana to issue "Treasury notes" as very questionable, by reason of that provision of the constitution of United States to be found in the 10th section of the 1st article, which says "no State shall emit bills of credit"—they also regard the issue of Treasury notes to the branch at Evansville in payment of the part of the debt due the State Bank coming to said branch, even waiving the question as to its unconstitutionality, as a measure of very doubtful expediency—they therefore direct me to report the bill to the House, and recommend it to be laid on the table; and ask to be discharged from the further consideration thereof.

The committee was discharged, and the bill mentioned in the report, was laid on the table.

Mr. Sweetser of G. made the following report:

MR. SPEAKER:

The select committee to whom was referred bill No. 106 of the Senate, a bill to revive an act authorizing Thomas Goudy to build a dam across Eel river, in Wabash county, and repeal an act repealing the same, have had the same under consideration and instructed me to report the same back to the House, and recommend that it be indefinitely postponed.

Bill No. 106, mentioned in the report, was indefinitely postponed.

Mr. Clark of T., moved to take from the table so much of a message from the Senate as relates to bill No. 62 of the Senate.

The question pending was on concurrence in the amendment of the Senate to the amendment of the House.

And the ayes and noes being demanded thereon by Messrs. Bowles and Walpole,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Bowers, Bradbury, Brenton, Burgess, Butler of C., Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Dunbar, Durbin, Elkins, Farrington, Goodenow, Harrah, Harrison, Hiatt, Howe, Jenckes, Lancaster, Mason, Miller, Montgomery of W., Morgan, Newell of W., North, Peck, Rayburn, Ritchey, Rose, Ross, Russell, Saylor, Shanks, Shawhan, Shortridge, Shoup, Smith of F., Stanford, Stratton, Walpole, Woodard, and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Akin, Blankenship, Bowles, Brown, Burton, Butler of V.,

Byers, Casey, Champer, Conner, Foote, Graham, Hamer, Hanna, Harding, Houghton, Jones, Kerr, Leslie, M'Coy, M'Cully, Montgomery of G., Newell of F., Quick, Rawlings, Rippey, Rulon, Runyan, Schoonover, Sloan, Smydth of D., Sweetser of G., Sweetser of M., and Woodard—34.

So said amendment was concurred in.

Mr. Graham moved to re-consider the vote taken on the passage of bill No. 337, a bill supplemental to the 13th section of an act entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1831.

Which was agreed to.

And the question being on the passage of the bill,

And the ayes and noes being demanded thereon by Messrs. Butler of V. and Smydth of D.,

*Those who voted in the affirmative were,*

Messrs. Akin, Atherton, Ball, Blair, Bowers, Bowles, Bradbury, Brown, Burton, Butler of C., Casey, Chiles, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conwell, Dunn, Dunbar, Elkins, Hamer, Hanna, Harding, Harrison, Hiatt, Howe, Mason, M'Coy, M'Culley, Montgomery of W., Newell of W., North, Peck, Quick, Rayburn, Rippey, Rose, Russell, Shanks, Shortridge, Shoup, Stratton, Sweetser of G., Walpole, Wilson, and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs. Blankenship, Brenton, Burgess, Butler of V., Byers, Chrisman, Clark of F., Conner, Dowling, Durbin, Farrington, Foote, Goodenow, Graham, Harrah, Henley, Houghton, Jenckes, Jones, Kerr, Lancaster, Leslie, Miller, Montgomery of G., Morgan, Newell of F., Rawlings, Read, Ritchey, Ross, Rulon, Runyan, Saylor, Schoonover, Shawhan, Sloan, Smydth of D., Smith of F., Sweetser of M., Terrell, and Woodard—42.

So said bill was passed.

Ordered, that the Senate be informed thereof.

No. 351, a bill to provide for the further construction of the Madison and Indianapolis Rail-road,

Was read the third time, and on the question Shall the bill pass?

The ayes and noes being demanded thereon,

*Those who voted in the affirmative were,*

Messrs. Akin, Atherton, Blair, Blankenship, Bowers, Brenton, Burton, Butler of C., Byers, Chiles, Chrisman, Clark of T., Coffeen, Coleman, Conner, Conwell, Defrees, Dowling, Dunbar, Durbin, Elkins, Farrington, Goodenow, Graham, Hanna, Harding, Harrah, Harrison,

Henley, Howe, Jenckes, Jones, M'Coy, Miller, Montgomery of G., Montgomery of W., Newell of F., North, Quick, Read, Rayburn, Ritchey, Rippey, Rulon, Runyan, Russell, Saylor, Shanks, Shortridge, Shoup, Sweetser of G., Sweetser of M., Terrell, Wilson, Woodard, and Mr. Speaker—57.

*Those who voted in the negative were,*

Messrs. Ball, Bowles, Bradbury, Brown, Burgess, Casey, Champer, Clark of D., Clark of F., Cole, Dunn, Foote, Hamer, Hiatt, Houghton, Kerr, Leslie, M'Cully, Morgan, Peck, Rose, Ross, Schoonover, Shawhan, Sloan, Smydth of D., Smith of F., Stanford, Stratton, and Walpole—29.

So said bill passed.

Ordered, that the Senate be informed thereof.

No 160 of the Senate, a bill supplemental to an act pointing out the mode of levying taxes;

Was read the third time.

And on the question, Shall the bill pass?

The ayes and noes being demanded thereon by Messrs. Hanna and Walpole,

*Those who voted in the affirmative were,*

Messrs. Atherton, Blair, Blankenship, Bowers, Bowles, Bradbury, Brown, Burgess, Butler of C., Butler of V., Chiles, Chrisman, Clark of D., Clark of T., Conwell, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrison, Hiatt, Howe, Jenckes, Mason, M'Culley, Montgomery of G., Montgomery of W., Newell of F., Newell of W., North, Quick, Rayburn, Rulon, Runyan, Saylor, Shortridge, Shoup, Smydth of D., Smith of F., Sweetser of G., Sweetser of M., Terrell, and Wilson—47.

*Those who voted in the negative were,*

Messrs. Akin, Ball, Burton, Byers, Casey, Coffeen, Cole, Coleman, Conner, Dunbar, Durbin, Foote, Harrah, Henley, Leslie, Miller, Morgan, Peck, Rawlings, Read, Ritchey, Rippey, Rose, Ross, Russell, Schoonover, Shanks, Shawhan, Sloan, Standford, Stratton, Walpole, Woodard, and Mr. Speaker—33.

So said bill passed.

Ordered, that the Senate be informed thereof.

The following message was received from the Senate by Mr. Elliott, a member:

MR. SPEAKER:

The Senate has passed an engrossed bill of the House of Representatives, entitled,

No. 166, an act levying a tax for State and Internal Improvement purposes;

Without amendment.

The following message was received from the Senate by Mr. Armstrong, a member:

MR. SPEAKER;

I am instructed by the Senate to inform the House of Representatives that the Senate has appointed Messrs. Cravens and Eggleston a committee of free conference on the part of the Senate, to act with the committee appointed on the part of the House of Representatives, to take into consideration the disagreement of the two Houses on the bill No. 116, for the relief of Joseph H. Hendricks.

Mr. Butler of C. made the following report:

MR. SPEAKER--

The joint committee on enrolled bills have compared the following engrossed bills with the enrolled bills, and find the following truly enrolled, to wit:

No. 294, an act to incorporate the Preachers' aid society;

No. 163, an act prescribing the duties of county Treasurer;

No. 164, an act pointing out the mode of levying taxes;

No. 143, an act to incorporate the Greensburgh steam-mill and manufacturing company, in Decatur county;

No. 211, an act to incorporate the town of Mooresville in Morgan county;

No. 160, an act to value the property of the State;

No. 264, an act to incorporate the town of Wilmington, in Dearborne county;

No. 161, an act prescribing the duties of county Auditor.

MR. SPEAKER:

The committee on enrolled bills have this day presented to the Governor for his signature, the following entitled acts, to wit:

No. 294, An act to incorporate the Preachers' aid society;

No. 163, an act prescribing the duties of county Treasurer;

No. 164, an act pointing out the mode of levying taxes;

No. 143, An act to incorporate the Greensburgh steam-mill and manufacturing company, in Decatur county;

No. 211, an act to incorporate the town of Mooresville in Morgan county;

No. 160, an act to value the property of the State.

Mr. Shanks made the following report:

MR. SPEAKER:

The committee on engrossed bills have compared the engrossed with the original bill of the House:

No. 351, to provide for the further construction of the Madison and Indianapolis rail-road;  
 And find the same correctly engrossed.  
 The House adjourned till 2 o'clock P. M.

2 o'clock, P. M.

The House met.

On motion of Mr. Henley,

The house went into committee of the whole on the bill making specific appropriations for the year 1841.

Mr. Walpole in the chair.

And after having spent sometime therein, the committee rose and reported sundry amendments to the bill, all of which were concurred in by the house.

Mr. Read moved to amend the bill as follows:

Sec. That the Treasurer of State be authorized to pay to the superintendents of the State Prison out of any moneys not otherwise appropriated, the amount heretofore audited by the Auditor of Public Accounts and not paid for improvements made on said prison."

Which was not adopted.

Mr. Shoup moved to amend the bill as follows:

"Sec. The Treasurer of State is hereby authorized to re-issue one hundred and twenty thousand dollars of Treasury Notes, payable in five years with six per cent. interest, to be paid over to the canal commissioner for the purpose of completing that part of the White Water canal lying between Brookville and the Laurel feeder dam—the said Treasury Notes to be receivable for tolls on the White Water canal."

Mr. Ball moved to amend the amendment by adding,

"And a further sum of one hundred thousand dollars for the further prosecution of the Erie and Michigan canal."

On motion of Mr. Dunn,

The amendment of Mr. Shoup, together with Mr. Ball's amendment,

Were laid on the table.

Mr. Defrees moved to amend the bill by adding the following section:

Sec. Be it further enacted, That Charles W. Ewing, Thomas Johnson, Henry Chase, David H. Colerick, George W. Blakemore and Lucien P. Terry be allowed eighteen dollars each, for services as witnesses before the committee on the judiciary in the impeachment of Hon. John W. Wright.

Which was not agreed to.



The bill and amendments were then considered as engrossed, and read a third time and passed.

The Speaker laid before the house a communication from the Auditor of State,

Which was laid on the table and ordered to be placed in the documentary journal.

On motion of Mr. Morgan,

That portion of a message from the Senate which relates to bill No. 98, "a bill regulating the taking up of animals going astray and water crafts and other articles of value adrift,"

Was taken from the table, and the amendment made by the Senate to said bill was concurred in.

On motion of Mr. Dunn,

That portion of the message from the Senate which relates to bill No. 78, "a bill providing for the payment of the bank debt."

Was taken from the table, and the amendment of the Senate to said bill was concurred in.

The following message was received from the Senate by Mr. Maguire their secretary:

MR. SPEAKER—

The Senate has passed engrossed bills and joint resolutions of the House of Representatives, entitled,

No. 372—An act defining the manner of selecting petit jurors in Hancock county;

No. 371—A joint resolution on the subject of the redemption and cancelling Treasury Notes;

No. 373—A joint resolution relative to the Auditor of Public Accounts;

No. 369—An act to provide for the payment of debts contracted by the late mayor and common council of the town of Lafayette under the charter of said town, app. Feb. 4, 1837;

No. 285—An act to provide for the appointment of a Fund Commissioner to collect the suspended debts of this state.

All without amendment, except the last named (No. 285) to which the Senate has made sundry amendments, in which I am directed to ask the concurrence of the House of Representatives.

The first and second amendments made by the Senate to bill No. 285 in the message were concurred in.

The third amendment being read,

Mr. Farrington moved to amend the amendment as follows:

"Unless provided for by acts passed by the present Legislature."

Which was not adopted.

Mr. Stanford moved to concur in the 3d amendment of the Senate with the following amendment:

After the word "Treasury Notes" insert "and for the bank debt."

Mr. Farrington called for a division of the question.

And the question being on Mr. Stanford's amendment,

It was adopted.

Mr. Farrington moved further to amend the 3d amendment as follows;

“Except as otherwise provided by the act passed at the present session for the completion of the Cross-Cut canal which lies between the feeder dam and Terre-Haute.”

And the ayes and noes being demanded thereon by Messrs. Farrington and Dowling,

*Those who voted in the affirmative were*

Messrs. Ball, Brown, Burton, Butler of Cass, Butler of Vanderburgh, Casey, Clark of Fountain, Clark of Tippecanoe, Coffeen, Conner, Defrees Dowling, Farrington, Graham, Harding, Houghton, Jenckes, Jones, Mason, McCoy, Montgomery of Gibson, Newell of F., Quick, Rayburn, Runyan, Russell, Smydth of Daviess, Smith of Fayette, Sweetser of Marion, Terrell, Wilson, Woodard, and Mr. Speaker—  
—33.

*Those who voted in the negative were*

Messrs. Akin, Blair, Blankenship, Bowles, Brenton, Burgess, Chrisman, Clark of Dearborn, Cole, Coleman, Dunn, Dunbar, Durbin, Foote, Hamer, Hanna, Harrison, Henley, Kerr, Leslie, McCully, Montgomery of Warren, Morgan, North, Peck, Rawlings, Read, Ritchey, Rippey, Rose, Ross, Schoonover, Shanks, Shawhan, Shoup, Sloan, Stanford, and Walpole—38.

So said amendment was not adopted.

The question then recurred on concurring in the 3d amendment made by the Senate,

And the ayes and noes being demanded thereon by Messrs. Bowles and Rippey,

*Those who voted in the affirmative were*

Messrs. Akin, Ball, Blair, Blankenship, Brenton, Brown, Burgess, Butler of C., Chrisman, Clark of D., Clark of Tip., Cole, Coleman, Conner, Defrees, Durbin, Farrington, Foote, Hanna, Harding, Harrah, Harrison, Henley, Jenckes, Kerr, Leslie, McCully, Miller, Montgomery of Gibson, Morgan, North, Peck, Rawlings, Read, Rippey, Rose, Ross, Runyan, Russell, Saylor, Schoonover, Shanks, Shawhan, Shortridge, Shoup, Stanford, Sweetser of Grant, Walpole, Wilson, and Mr. Speaker—50.

*Those who voted in the negative were*

Messrs. Bowles, Butler of V., Clark of F., Coffeen, Dowling, Dunbar, Graham, Hamer, Houghton, Jones, Mason, Montgomery of War., Newell of Fount., Quick, Rayburn, Ritchey, Saylor, Sloan, Smydth of D., Smith of F., Sweetser of Marion, Terrell, and Woodard,—23.

So said amendment was concurred in.

The 4th amendment of the Senate was concurred in.

Mr. Hanna made the following report:

MR. SPEAKER—

The committee of free conference to which was referred an amendment of the Senate to a bill of the House No. 227, entitled a "bill supplemental to an act subjecting real and personal property to execution, approved Feb. 4th, 1831," have had that subject under consideration and have agreed upon the following amendment to the amendment of the Senate. Which is by string out the word "ten" in the last line of the first section of the amendment of the Senate and inserting these words, "twelve and a half," and striking out the bill of the House and adding the following to the amendment of the Senate, and recommend the adoption of the same by the House.

Both of which amendments were concurred in.

Mr. Smith of F. made the following report:

MR. SPEAKER—

The committee of free conference appointed to consider the disagreeing votes of the two Houses on a bill of the Senate for the relief of Joseph H. Hendricks, have agreed to amend said bill as follows:

1st. Strike out the word "monthly" from the 8th line of the first section.

2d. Strike out of the 10th line of 1st section "that were and are."

3d. Strike out the 11th and 12th lines of 1st section and insert in their place "work done on said section."

4th. Strike out the 16th line and insert "for said work."

5th. Strike out "several sums" from 7th line of 2d section and insert "same."

6th. Strike out of 8th line of 2d section "time each ought to have been paid" and insert from the 1st day of January, 1841.

7th. Strike out of 3d and 4th lines of 3d section "in good bankable funds."

8th. Strike out of the 5th and 6th lines of 3d sec. "from time to time as the same may be presented."

All of which amendments were concurred in.

On motion of Mr. Graham,

The "joint resolution on the subject of the State Board of Equalization,

Was taken from the table.

Mr. Chrisman withdrew his amendment.

Mr. Leslie moved to amend the joint resolution as follows:

"That so much of the above recited act as gives authority to create a state board of equalization is hereby suspended."

Mr. Jenckes moved to lay said amendment on the table,

And the ayes and noes being demanded thereon by Messrs. Leslie and Walpole.

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Bowers, Brown, Butler of Vanderburgh, Clark of Dearborn, Clark of Tip., Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Farrington, Foote, Graham, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Jenckes, Kerr, Lancaster, Mason, Montgomery of Gibson, Morgan, Newell of White, North, Peck, Quick, Rayburn, Rose, Ross, Russell, Shawhan, Shortridge, Shoup, Smydth of D., Smith of F., Stanford, Sweetser of Grant, Sweetser of Marion, Terrell, Wilson, Woodard and Mr. Speaker—48.

*Those who voted in the negative were*

Messrs. Akin, Blankenship, Bowles, Brenton, Burgess, Burton, Byers, Chrisman, Clark of Fountain, Coffeen, Conner, Dunbar, Durbin, Goodenow, Hamer, Henley, Jones, Leslie, McCoy, McCully, Miller, Montgomery of Warren, Newell of Fountain, Rawlings, Read, Ritchey, Rippey, Rulon, Saylor, Shanks, Sloan and Walpole—33.

So said amendment was laid on the table.

Mr. Smydth of D. moved to suspend the rules and take up bill No. 367 "A bill for the relief of Clements & Roddick, contractors on the southern division of Central canal,"

Which was agreed to.

Mr. Smydth of Daviess moved to amend the bill as follows:

"Strike out "\$1,802 and insert "\$6,441 51."

And the ayes and noes being demanded thereon by Messrs. Smydth of D. and Newell of F.,

*Those who voted in the affirmative were*

Messrs. Akin, Butler of Vanderburgh, Chrisman, Dowling, Dunbar, Graham, Hamer, Houghton, Jones, Miller, Montgomery of Gibson, Ritchey, Sloan, Smydth of Daviess, Woodard and Mr. Speaker—16.

*Those who voted in the negative were*

Messrs. Ball, Blankenship, Brown, Burgess, Burton, Byers, Clark of Dearborn, Clark of Fountain, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Durbin, Farrington, Foote, Goodenow, Hanna, Harrah, Harrison, Hiatt, Jenckes, Kerr, Lancaster, Leslie, Mason, McCully, Morgan, Newell of F., North, Peck, Quick, Rawlings, Rayburn, Rippey, Rose, Runyan, Russell, Shanks, Shawhan, Shortridge, Shoup, Stanford, Sweetser of Grant, Sweetser of Marion, Walpole, and Wilson,—50.

So said amendment was not adopted.

Mr. Read introduced joint resolution,

No. 376—A joint resolution relative to the superintendents of the State Prison,

Which was read three several times (the rules being suspended) and passed.

Mr. Ball introduced bill,

No- 377—A bill to amend an act entitled an act regulating the practice at law.

Which was read three several times, (the rules being suspended) and passed.

Mr. Butler of V. introduced bill

No. 378—A bill to amend an act entitled an act to establish a State Bank, app. Jan. 28, 1834,"

Which was read three several times, (the rules being suspended) and passed.

On motion of Mr. Graham,

*Resolved*, That the assistant clerk may employ any such assistance as he may deem necessary during the remainder of the session.

Mr. Mason introduced joint resolution,

No. 379—A joint resolution relative to the Michigan road lands

Which was read three several times (the rules being suspended) and passed.

Mr. Butler of C. made the following report:

MR. SPEAKER:

The joint committee on enrolled bills, report that they have compared the enrolled with the engrossed bills of the Senate of the following titles, and find them duly enrolled, to-wit:

No. 57—An act to provide for the improvement of the Michigan Road;

No. 134—An act to amend an act entitled an act relative to crime and punishment, approved February 10th, 1831;

No. 153—An act to enable George G. Dunn, guardian of the minor heirs of Moses Fell, deceased, to convey certain real estate;

No. 154—An act to incorporate the Centre church of Crawfordsville;

No. 151—An act changing the name of William Wallace;

No. 214—An act to fix the times of holding the courts in the sixth judicial circuit;

No. 136—An act repealing all laws now in force authorizing the sale of state bonds for Internal Improvements;

No. 287—An act to incorporate the town of Cambridge City in Wayne county;

The following message was received from the Governor by Mr. Moore, his private Secretary:

Mr. SPEAKER;

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed,

An act to value the property of this state;

An act to incorporate the Preacher's Aid Society;

An act prescribing the duties of County Treasurers;

An act pointing out the mode of levying taxes;

An act to incorporate the town of Mooresville in Morgan county;

An act to incorporate the Greensburgh Steam-mill and manufacturing company in Decatur county.

All of which originated in the House of Representatives.

Mr. Smydth of D. introduced,

No. 380—A joint resolution for the relief of contractors,

Which was read the first time, when,

Mr. Smith of F. moved to reject the said joint resolution,

Pending which motion,

The House adjourned till to-morrow morning 8 o'clock,

SATURDAY, FEBRUARY 13th, 1841.

The House met pursuant to adjournment.

The following message was received from the Senate by Mr. Maguire their secretary:

Mr. SPEAKER—

The Senate has passed engrossed bills of the House of Representatives entitled as follows, without amendment, viz:

No. 131—For the relief of Edward H. Jacot;

No. 177—For the relief of owners of Indian Reservations;

No. 305—To amend an act to provide for the distribution of the laws and journals, and for other purposes," approved Feb. 10, 1831;

No. 324—For the relief of Thomas Nichols.

Also engrossed bills of the Senate entitled,

No. 128—To provide for a better regulation of Indiana University;

No. 168—To amend the charter of the town of Lawrenceburgh;

In which the concurrence of the House of Representatives is respectfully requested.

Bills No. 168 and 128 in the message,

Were each read twice (the rules being suspended) and laid on the table.

The following message was received from the Senate by Mr. Maguire their Secretary:

Mr. SPEAKER—

I am instructed by the Senate to inform the House of Representatives that the Senate has passed engrossed bills of the House of Representatives, entitled,

No. 135—An act to provide for the settlement of disputed claims for labor on the public works.

No. 199—An act to re-locate the county seat of Sullivan county.

Each with amendments, in which I am directed to ask the concurrence of the House of Representatives.

The first, second, third and fourth amendments of the Senate to bill No. 135, in the message, were concurred in.

The amendment of the Senate to bill No. 199, in the message was laid on the table.

The following message was received from the Senate by Mr. Maguire, their secretary.

Mr. SPEAKER;

The Senate has passed an engrossed bill of the House, entitled No. 361, an act supplementary to an act to provide for the completion of that portion of the Cross cut Canal, between the Feeder dam, in Clay county, and Terre Haute, approved January 30, 1841, without amendment.

The following message was received from the Senate by Mr. Maquire, their secretary.

MR. SPEAKER:

The Senate has passed an engrossed bill of the Senate, entitled, No. 169—An act amendatory of an act, entitled “an act subjecting real and personal estate to execution,” approved Feb. 4, 1831.

In which, the concurrence of the House of Representatives is requested.

Bill No. 169, in the message was read three several times, (the rules being suspended,) and passed.

The following message was received from the Senate by Mr. Maquire, their Secretary.

MR. SPEAKER--

The Senate has concurred in the report of the joint committee of free conference on the subject of the disagreement between the two Houses in relation to bill of the Senate No. 116, entitled, “an act for the relief of Joseph H. Hendricks.”

The Senate insists on its amendment to the bill of the House of Representatives entitled No. 98, regulating the taking up animals going astray, and water craft and other articles of value adrift; and Messrs Armstrong and Baird of St. Josephs are appointed a committee of free conference on the part of the Senate, to take into consideration the disagreement of the two Hoases in relation to said bill.

Messrs Morgan and Sloan were appointed a committee of free conference on the part of the House, in relation to the amendments to bill No. 98, in the message.

The following message was received from the Senate by Mr. Maquire, their Secretary.

MR. SPEAKER:

The Senate has concurred in the several amendments made by the House of Representatives to bill No. 162, of the Senate, to provide for the payment of the interest on the public debt of the State of Indiana, and for the redemption of the Treasury Notes of the State.

The Senate has passed engrossed bills thereof, entitled, No. 166—A joint resolution on the subject of printing an act therein named.



No. 167—A joint resolution relative to the publication of the school law.

No. 165—A joint resolution relative to the State Library.

In which I am directed to ask the concurrence of the *House* of Representatives.

Mr. SPEAKER:

The Senate has passed engrossed bills of the House of Representatives, entitled,

No. 343—To repeal part of an act incorporating the town of Indianapolis.

No. 341—To incorporate the Lagro and Manchester Turnpike Company.

No. 326—To incorporate the Marion and Wabash Turnpike Company.

No. 356—To incorporate the Portage Bridge Company.

No. 341—With an amendment in which the concurrence of the House is requested; and the rest without amendment.

The amendment made by the Senate to bill No. 341, in the message, was concurred in.

“Joint resolution (No. 166, in the message) on the subject of printing an act therein named,” was read the first and second times, (the rules being suspended) and laid on the table.

No. 167, in the message, “a joint resolution relative to the publication of the school law,” was then read three several times, (the rules being suspended,) and passed.

No. 165, in the message, was read the first and second times, (the rules being suspended) and committed to a select committee of Messrs Dowling, Blair, and Henley.

The following message was received from the Senate by Mr. Maquire their Secretary.

Mr. SPEAKER;

I am directed by the Senate to inform the House of Representatives, that the Senate has passed an engrossed bill of the House of Representatives, entitled,

No. 168—An act to amend an act approved Feb. 6, 1837, entitled, “an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved June 23, 1836.”

With an amendment, in which the concurrence of the House of Representatives is requested.

The Senate has also passed without amendment an engrossed joint resolution of the *House* of Representatives, entitled,

No. 223—A joint resolution to amend the joint resolution relative to the Auditor of Public Accounts, approved Feb. 9, 1831.

Also an engrossed bill of the Senate, entitled,

No. 99—An act relative to the duty of the Agents of the Surplus Revenue, and for other purposes;

In which I am directed to ask the concurrence of the *House of Representatives*.

No. 99—In the message, “a bill relative to the duties of surplus revenue Agents, and for other purposes,” was read the first time and passed to a second reading.

The amendments made in the Senate to bill,

No. 168—In the message, “a bill to amend an act, approved Feb. 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved June 23, 1836,” were read; when,

*Mr. Mason*, moved to concur in said amendment, with the following amendment;

“Sec. That nothing in this act shall be so construed, as to render the bank liable for any sum of money until the same is paid into the bank. Provided, That the bank shall have complied with the provisions of this act, in securing the funds herein mentioned.”

And the ayes and noes being demanded thereon by Messrs *Walpole* and *Ritchey*.

*Those who voted in the affirmative were,*

Messrs. *Atherton*, *Ball*, *Bradberry*, *Brown*, *Butler of V.*, *Clark of D.*, *Clark of Tippecanoe*, *Cole*, *Conwell*, *Defrees*, *Dowling*, *Dunn*, *Farrington*, *Goodenow*, *Hamer*, *Harding*, *Harrison*, *Hiatt*, *Houghton*, *Jenckes*, *Lancaster*, *Mason*, *Montgomery of G.*, *Montgomery of W.*, *Newell of F.*, *North*, *Rayburn*, *Russell*, *Shortidge*, *Smith of F.*, *Strattan*, *Terrell*, and *Wilson*—33.

*Those who voted in the negative were,*

Messrs. *Blair*, *Blankenship*, *Bowers*, *Bowles*, *Brenton*, *Burton*, *Byers*, *Chiles*, *Chrisman*, *Clark of F.*, *Coffeen*, *Coleman*, *Conner*, *Dunbar*, *Durbin*, *Foote*, *Graham*, *Harrah*, *Henley*, *Jones*, *Kerr*, *Leslie*, *M'Coy*, *M'Cully*, *Miller*, *Morgan*, *Newell of W.*, *Peck*, *Quick*, *Rawlings*, *Read*, *Ritchey*, *Rippey*, *Rose*, *Rulon*, *Schoonover*, *Shanks*, *Shawhan*, *Shoup*, *Sloan*, *Standford*, *Sweetser of G.*, *Sweetser of Marion*, *Walpole*, *Woodard* and *Mr. Speaker*—44.

So said amendment was not concurred in.

*Mr. Durbin* moved to lay so much of said message as relates to said bill and amendments on the table.

And the ayes and noes being demanded thereon by Messrs. *Blair* and *Chrisman*.

*Those who voted in the affirmative were,*

Messrs. Bowles, Brenton, Burton, Byers, Chiles, Chrisman, Clark of F., Conner, Dunbar, Durbin, Foote, Graham, Hamer, Henley, Kerr, Leslie, McCoy, McCully, Miller, Montgomery of W., Newell of F., Peck, Rawlings, Read, Ritchey, Rippey, Rose, Rulon, Schoonover, Shanks, Shawhan, Shoup, Sloan, Stanford, and Walpole—35.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Brown, Bradberry, Burgess, Butler of V., Clark of D., Clark of T. Cole, Coleman, Conwell, Defrees, Dowling, Dunn, Farrington, Goodenow, Harding, Harrah, Harrison, Hiatt, Houghton, Jenckes, Jones, Lancaster, Mason, Montgomery of Gibson, Morgan, Newell of W., North, Quick, Rayburn, Runyan, Russell, Shortridge, Smith of F., Stratton, Sweetser of G., Sweetser of M., Terrell, Wilson, Woodard, and Mr. Speaker—45.

So said Message was not laid on the table.

Mr. Blair moved the previous question;

Which was seconded by a majority of the House, and on the question,

Shall the main question be now put?

The ayes and noes being demanded thereon by Messrs. Walpole and Durbin.

*Those who voted in the affirmative were,*

Messrs Atherton, Ball, Blair, Bowers, Bradbury, Brown, Butler of C., Butler of V., Clark of D., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunn, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Jenckes, Jones, Lancaster, Mason, Montgomery of G., Morgan, Newell of F., Newell of W., North, Quick, Rayburn, Runyan, Russell, Shortridge, Smydth of D., Smith of F., St-atton, Sweetser of G., Sweetser of M., Terrell, Wilson, Woodard, and Mr. Speaker—47.

*Those who voted in the negative were,*

Messrs Blankenship, Bowles, Brenton, Burgess, Burton, Byers, Chiles, Chrisman, Clark of T., Clark of F., Dunbar, Durbin, Foote, Graham, Hamer, Henley, Houghton, Kerr, Leslie, Lucas, M'Coy, M'Culley, Miller, Montgomery of W., Peck, Rawlings, Read, Ritchey, Rippey, Rose, Rulon, Schoonover, Shanks, Shawhan, Shoup, Sloan, Stanford, and Walpole—38.

So the House agreed that the main question should be now put.

The question then being on concurring in the amendment of the Senate to said bill.

And the ayes and noes being demanded thereon by Messrs Bowles and Rulon.

*Those who voted in the affirmative were*

Messrs Ball, Blair, Bowers, Bradbury, Brown, Champer, Coffeen, Cole, Coleman, Conwell, Defrees, Dowling, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Jenckes, Lancaster, Mason, Montgomery of G., North, Rayburn, Runyan, Russell, Shortridge, Smith of F., Stratton, Sweetser of G., Sweetser of M., Wilson, Woodard. and Mr. Speaker—36.

*Those who voted in the negative were*

Messrs Atherton, Blankenship, Bowles, Brenton, Burgess, Burton, Butler of C., Butler of V., Byers, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Conner, Dunn, Dunbar, Durbin, Foote, Graham, Hamer, Henley, Houghton, Jones, Kerr, Leslie, Lucas, M'Coy, M'Culley, Miller, Montgomery of W., Morgan, Newell of F., Newell of W., Peck, Quick, Rawlings, Read, Ritchey, Rippey, Rose, Rulon, Schoonover, Shanks, Shawhan, Shoup, Sloan, Smydth of D., Stanford, and Walpole—50.

So said amendment was not concurred in.

Much excitement and disorder arising in the *House*, the Speaker desired the members to take their seats, and Mr. Henley refusing to conform to the rules thereof,

On motion of Mr. Hanna, he was excused from censure for violating any breach of decorum.

Mr. Jenckes introduced No. 382—"A bill making general appropriations for the year 1841."

Which was read the first and second times, (the rules being suspended,) when,

Mr. Dunn moved to amend by striking out \$400 for the State Library.

And the ayes and noes being demanded thereon, by Messrs Walpole and Dunn.

*Those who voted in the affirmative were*

Messrs Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Burgess, Burton, Chiles, Chrisman, Clark of F., Cole, Coleman, Dunn, Durbin, Hamer, Hanna, Harrison, Hiatt, Houghton, Lucas, Miller, Montgomery of G., Montgomery of W., North, Rawlings, Rippey, Rose, Shawhan, Stanford, Stratton, Walpole, and Wilson—34.

*Those who voted in the negative were,*

Messrs. Bowles, Brown, Butler of C., Butler of V., Champer, Clark of D., Clark of T., Coffeen, Conner, Conwell, Defrees, Dowling, Dunbar, Farrington, Foote, Harding, Henley, Howe, Jenckes, Jones, Kerr, Lancaster, Mason, M'Coy, M'Cully, Morgan, Newell of F., Peck, Quick, Rayburn, Ritchey, Rulon, Runyon, Russell, Schoonover, Shanks, Shortridge, Sloan, Smydth of D., Terrel, Woodard, and Mr. Speaker—43.

So said amendment was not adopted.

On motion of Mr. Jenckes said bill was then read a third time, [the rules being suspended] and passed.

Ordered that the Senate be informed thereof.

The Speaker laid before the *House* a communication from Milton Stapp, Fund Commissioner, which was read and laid on the table.

Mr. Bowles moved to print 500 copies of said communication, which was not agreed to.

Mr. Lancaster moved to reconsider the vote taken on concurring in the amendment of the Senate to bill No. 135, "a bill to provide for the settlement of disputed claims for laborers on the public works."

Mr. Stanford moved the previous question, which was seconded by a majority of the House.

The question then being shall the main question be now put?

And the ayes and noes being demanded thereon by Messrs Smydth of D., and Blankenship.

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Burton, Butler of C., Byers, Clark of D., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Dunbar, Durbin, Farrington, Foote, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Kerr, Lancaster, Leslie, Mason, M'Cully, Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rayburn, Rippey, Rose, Russell, Shanks, Shawhan, Shortridge, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Wilson, Woodard, and Mr. Speaker—64.

*Those who voted in the negative were*

Messrs. Bowles, Butler of V., Champer, Chrisman, Clark of F., Dowling, Henley, Houghton, Jones, M'Coy, Miller, Montgomery of G., Ritchey, Rulon, Schoonover, Sloan, Smydth of D.—18.

So the *House* decided that the main question should be now put.

The question then being on reconsidering the vote on concurring in the amendment of the Senate, the ayes and noes being demanded thereon by Messrs. Smydth of D., and Blankenship.

*Those who voted in the affirmative were,*

Messrs Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Burton, Butler of C., Clark of D., Clark of F., Clark of T., Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dunn, Dunbar, Durbin, Elkins, Farrington, Foote, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Kerr, Lancaster, Leslie, Mason, Miller, Montgomery of W., Morgan, Newell of F., Newell of W., North, Peck, Quick, Rayburn, Rose, Runyan, Russell, Shanks, Shawhan, Shortridge, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Wilson, and Woodard—63.

*Those who voted in the negative were*

Messrs. Bowles, Brenton, Butler of V., Byers, Champer, Chrisman, Dowling, Henley, Houghton, Jones, M'Coy, M'Cully, Montgomery of G., Ritchey, Rippey, Rulon, Schoonover, Sloan, and Smydth of D., —19.

So said vote was reconsidered.

Mr. Conner moved to concur in the amendment of the Senate, with the following amendment; "From such award there shall be no appeal by either party."

Which was not agreed to.

The amendments of the Senate to said bill were not concurred in.

Mr. Jenckes moved to take from the table that part of a message from the Senate, which relates to bill No. 123, "a bill to provide for the better regulation of the Indiana University;"

Which was agreed to.

Mr. Brenton moved to amend said bill as follows;

Strike out the second section to the word fix, in the second line, and insert, That when any vacancy or vacancies shall happen in said board, by death, resignation, or otherwise, at any time when the General Assembly is not in session, such vacancy or vacancies shall be filled by appointment of the Governor, and such member or members so appointed shall serve as such until the first day of January next, succeeding his or their appointment, and the legislature at its first session after such vacancy shall occur, shall fill the same by joint ballot of both Houses; and the said board shall,"

On motion of Mr. Jenckes, said amendment was laid on the table.

Mr. Judah moved that the rules be suspended, and the bill be read a third time now.

And the ayes and noes being demanded thereon by Messrs. Bowles and Henley.

*Those who voted in the affirmative were*

Messrs. Akin, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Champer, Clark of Fountain, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Durbin, Farrington, Foote, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Jenckes, Jones, Kerr, Lancaster, Mason, McCully, Miller, Montgomery of Gibson, Montgomery of Warren, Morgan, Newell of Fountain, Newell of White, North, Peck, Rose, Runyan, Russell, Schoonover, Shortridge, Shoup, Sloan, Smith of F., Stratton, Sweetser of G., Sweetser of Marion, Terrell, Walpole, Wilson, Woodard and Mr. Speaker—54.

*Those who voted in the negative were,*

Messrs. Ball, Bowles, Brenton, Burton, Butler of V., Byers, Carr, Chrisman, Clark of D., Dunn, Henley, Houghton, Leslie, Read, Rayburn, Ritchey, Rippey, Rulon, Shawhan, Smydth of D., and Stanford,—21.

So the rules of the House were suspended.

Mr. Bowles moved to recommit the bill to a select committee with the following instructions:

Strike out "nine" and insert "twenty-two."

Mr. Judah called for a division of the question, being on committing,

The ayes and noes being demanded thereon by Messrs. Bowles and Henley,

*Those who voted in the affirmative were*

Messrs. Bowles, Burton, Byers, Clark of Dearborn, Dunn, Henley, Miller, Newell of F., Read, Ritchey, Rippey, Rulon, Shanks, and Smydth of D.,—14.

*Those who voted in the negative were*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of Vanderburgh, Carr, Champer, Chrisman, Clark of Fountain, Clark of Tippecanoe, Coffeen, Cole, Coleman, Conner, Conwell, Defrees, Dowling, Dunbar, Durbin, Elkins, Farrington, Foote, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Houghton, Jenckes, Jones, Kerr, Lancaster, Leslie, Lucas, Mason, Montgomery of G., Montgomery of Warren, Morgan, Newell of White, North, Peck, Rawlings, Rayburn, Rose, Runyan, Russell, Shawhan, Shortridge, Sloan, Stanford, Stratton,

Sweetser of Grant, Sweetser of M., Terrell, Walpole, Wilson, Woodard and Mr. Speaker—62.

So said bill was not recommitted.

The question then being on the passage of the bill,

And the ayes and noes being demanded thereon by Messrs. Jenckes and Bowles,

*Those who voted in the affirmative were*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Carr, Champer, Clark of Tip., Coffeen, Ccle, Coleman, Conner, Conwell, Defrees, Dowling, Dunbar, Durbin, Farrington, Foote, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Jenckes, Jones, Kerr, Lancaster, Mason, Montgomery of Gibson, Montgomery of Warren, Morgan, Newell of White, North, Quick, Rawlings, Rayburn, Rose, Runyan, Russell, Shanks, Shortridge, Sloan, Stanford, Stratton, Sweetser of Grant, Sweetser of Marion, Terrell, Walpole, Wilson, Woodard and Mr. Speaker—60.

*Those who voted in the negative were*

Messrs. Bowles, Brenton, Burton, Byers, Chrisman, Clark of Dearborn, Clark of Fountain, Dunn, Elkins, Henley, Houghton, Leslie, Miller, Newell of Fountain, Peck, Read, Ritchey, Rippey, Rulon, Shawhan, Shoup and Smydth of D.—22.

So said bill passed.

Mr. Akin moved to take from the table so much of the message of the Senate as relates to the amendment to bill,

No. 199—An act to relocate the county seat of Sullivan county.

Which was agreed to.

Mr. Jenckes moved to concur in the amendment of the Senate to said bill,

And the ayes and noes being demanded thereon by Messrs. Brenton and Akin,

*Those who voted in the affirmative were*

Messrs. Ball, Brown, Butler of Van., Coleman, Durbin, Farrington, Jenckes, Leslie, Mason, Newell of W., Peck, Runyan, Russell, and Sweetser of G.—14.

*Those who voted in the negative were,*

Messrs. Akin, Atherton, Blair, Bowers, Bradbury, Brenton, Burgess, Burton, Byers, Carr, Champer, Chrisman, Clark of D., Clark of F.,



Clark of T., Coffeen, Cole, Conner, Conwell, Defrees, Dunn, Dunbar, Foote, Hamer, Harding, *Harrah*, *Harrison*, Henley, Hiatt, Houghton, Kerr, Lancaster, McCoy, McCully, Miller, Montgomery of Gibson, Montgomery of Warren, Newell of F., North, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, *Rose*, Rulon, Shanks, Shawhan, Shortridge, Shoup, Smydth of D., Stanford, Stratton, Sweetser of Marion, Terrell, Walpole, Wilson, and *Mr. Speaker*—57.

So said amendment was not concurred in.

Mr. Lancaster moved to take from the table bill No. 291,

Which was not agreed to.

Mr. Sweetser introduced

No. 383—A bill supplemental to an act for the relief of Andrew Wilson passed at the present session of the General Assembly.

Which was read three several times, the rules being suspended, and passed.

Mr. Jones made the following report:

MR. SPEAKER:

The committee to whom was referred the communication of Win. J. Brown, Esq., late Secretary of State, have had the same under consideration, and directed me to make the following

#### REPORT:

That the committee consider the printer of the House but a contractor, and the House of Representatives at the last session of the General Assembly resolved that there was no rightful printer to the House, and adopted a resolution that they would elect a printer for that session. Before the election was made Messrs. Stacy and Williams offered if the House would elect them, they would do the printing for a sum equal to thirty-three and one-third per cent. less upon the price that had been paid Messrs. Bolton and Livingston for the printing for the House formerly. Whereupon, John Livingston, by Mr. Henley then and now a member of the legislature, offered that if the House would elect him public printer, he would perform the public printing for such price as the legislature might fix.

The General Assembly, by joint resolution passed the last General Assembly, fixed the price of printing at the prices offered by Stacy and Williams, which is printed in the journal of the last House of Representatives. But Mr. Brown, (the Secretary,) in settling with Mr. Livingston, paid him the price fixed by an act regulating the price of public printing, passed at the session of '37, which was 33 $\frac{1}{3}$  per cent. higher than he was authorized by the joint resolution before mentioned.

The joint resolution was made in reference to Mr. Livingston, who had offered to perform the public printing for such sum as the legislature should fix, and not for that which had been fixed for other con-

tracts. Your committee would recommend that the Auditor of Public Accounts have the subject examined and take such course as would be for the interest of Indiana.

W. JONES, *Chairman.*  
 PHILIP MASON,  
 JACOB MILLER.

To the above *Mr. Dowling* and *Mr. Read* dissents.

Which was concurred in.

*Mr. Carr* asked and obtained leave to introduce bill No. 384, a bill allowing further time for the assessor of Lawrence county to complete his assessment, and for other purposes;

Which was read the first and second times, the rules being suspended, when,

The bill was read the third time, the rules being further suspended, and passed.

*Mr. Mason* asked and obtained leave to introduce joint resolution No. 385, in relation to the affairs of the town of Indianapolis;

Which was read three several times, the rules being suspended, and passed.

*Mr. Coffeen* introduced bill No. 386, a bill to locate a State road;

Which was read three several times, the rules being suspended, and passed.

The following message was received from the Senate by *Mr. Maguire* their Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill of the House entitled, No. 359, an act to establish certain State roads therein named, and for other purposes;

With an amendment, in which the concurrence of the *House* of Representatives is respectfully requested.

The amendment made by the Senate to bill No. 359 in the message, was concurred in.

The following message was received from the Senate by *Mr. Carnan*, a member:

MR. SPEAKER:

The Senate has concurred in the amendment of the House to the third amendment of the Senate to the bill of the House,

No. 285, an act to provide for the appointment of a fund commissioner to collect the suspended debt of the State.

The following message was received from the Senate by *Mr. Maguire* their Secretary:

MR. SPEAKER:

The Senate has concurred in the report of the committee of free conference appointed to take into consideration the disagreement between the two Houses, on the subject of the amendment of the House to the amendment of the Senate to the bill of the House entitled, an act supplemental to an act subjecting real and personal property to execution, approved Feb. 4, 1831.

No. 380, a joint resolution for the relief of contractors on the public works, came up, when,

Mr. Smith of F. withdrew the motion on yesterday at the hour of adjournment, to reject said bill, when,

Mr. Smydth of D. withdrew the joint resolution.

No. 357, a bill supplemental to an act pointing out the mode of levying taxes;

Was read the second time and laid on the table.

No. 358, a bill to authorize purchasers of Wabash and Erie canal lands, to pay taxes thereon,

Was read the third time and passed.

No. 360, a bill providing for the payment of the debt due the State Bank, and for the redemption of the Treasury notes.

Was read the second time and laid on the table.

No. 362, a bill to provide for completing the bridge across Walnut Fork of Eel river;

Was read the second time, when,

Mr. Bowles moved to lay said bill on the table.

And the ayes and noes being demanded thereon by Messrs. Coleman and Blair,

*Those who voted in the affirmative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brown, Burgess, Burton, Byers, Carr, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Conner, Defrees, Dunbar, Durbin, Farrington, Foote, Goodenow, Harding, Henley, Hiatt, Jones, Kerr, Lancaster, Leslie, M'Coy, M'Cully, Miller, Montgomery of G., Montgomery of W., Newell of W., North, Peck, Rawlings, Read, Rayburn, Ritchey, Rippey, Rulon, Runyan, Russell, Schoonover, Shanks, Shawhan, Shertridge, Shoup, Smydth of D., Stanford, and Stratton—51.

*Those who voted in the negative were,*

Messrs. Akin, Butler of V., Champer, Chiles. Coleman, Dowling, Hamer, Harrah, Jenckes, Newell of F., Quick, Rose, Sweetser of G., Sweetser of M., Terrell, Walpole, Wilson, and Woodard—23.

So said amendment was laid on the table.

No. 363, a bill to amend an act entitled an act regulating prisons and prison bounds;

Was read the second time and laid on the table.

No. 364, a bill to prevent frauds in elections;

Was read the second time and laid on the table.

No. 366, a bill for the relief of contractors on the southern division of the Central canal;

Was read the second time, when,

On motion of Mr. Brown,

Said bill was indefinitely postponed.

No. 345, a bill for the relief of John H. Hopper of Hancock county;

Was read the second time and indefinitely postponed.

Mr. Ball asked and obtained leave to introduce joint resolution No. 387, suspending the provisions of a bill supplemental to a bill pointing out the mode of levying taxes;

Which was read the first time, when,

Mr. Hanna moved to reject said bill.

And the ayes and noes being demanded thereon by Messrs. Ball and M'Culley,

*Those who voted in the affirmative were,*

Messrs. Atherton, Blair, Blankenship, Bowers, Bowles, Bradbury, Brown, Burgess, Butler of C., Clark of D., Clark of F., Clark of T., Coffeen, Conner, Conwell, Defrees, Dowling, Dunbar, Farrington, Goodenow, Hanna, Harding, Harrison, Jenckes, Kerr, Mason, M'Cully, Newell of W., Quick, Rayburn, Rulon, Runyan, Shortridge, Smydth of D., Sweetser of G., Sweetser of M., Terrell and Wilson—38.

*Those who voted in the negative were,*

Messrs. Akin, Ball, Brenton, Burton, Byers, Carr, Cole, Foote, Hamer, Harrah, Henley, Hiatt, Houghton, Jones, Leslie, Miller, Montgomery of G., Montgomery of W., North, Peck, Rawlings, Read, Ritchey, Rippey, Rose, Russell, Schoonover, Shawhan, Shoup, Stanford, Stratton, Walpole, and Woodard—33.

So said bill was rejected.

Leave of absence was granted to Mr. Kile from Thursday last, in consequence of indisposition.

Mr. Rawlings made the following report:

**MR. SPEAKER:**

The committee to whom was referred a petition from sundry citizens of Jefferson county, praying to be attached to the county of Scott, have, according to order, had the same under consideration and have directed me to

## REPORT :

That in consequence of the late period of the session when this subject was referred to them, and as the session is now about closing its deliberations, and Monday next fixed upon for adjournment *sine die*, your committee not having time to give the subject that due consideration which is at all times and on all subjects due from such respectable petitioners, they therefore ask to be discharged from the further consideration thereof.

Which was concurred in.

On motion of Mr. Stanford,

The select committee to whom was referred the bill relative to the revenue of Cass county, was discharged from its further consideration.

Mr. Sweetser of G. moved to take from the table that part of a message which relates to bill 279, a bill to authorize the erection of a mill dam across Eel river in Wabash county;

Which was agreed to, and the amendment of the Senate was concurred in.

Mr. Byers made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate, and find them correctly enrolled as follows, to wit:

No. 152, an act authorizing certain suits to be brought in the name of the agent of an unincorporated society;

No. 62, an act to classify the public works and for other purposes;

Mr. Brown made the following report:

MR. SPEAKER;

The joint committee on enrolled bills have compared the enrolled with the engrossed bills of the House of the following titles, and find the same truly enrolled, viz:

No. 288, to incorporate the Jonesborough bridge company;

No. 328, to incorporate the town of Connersville.

The House adjourned till 2 o'clock P. M.

2 o'clock, P. M.

The House met.

Mr. Ritchey moved to take up bill No. 137, a bill to provide for the assessment and collection of the State and county revenue for the county of Spencer in the year 1837, and also in the county of Cass, due for the year 1839.

Which was agreed to.

Mr. Butler of C., moved to recommit said bill with the following instructions:

Strike out from the enacting clause and insert the following:

Sec. 1. Be it enacted by the General Assembly of the State of Indiana, That the clerk of Spencer county is required and it is hereby made his duty to make out a certified list of taxables as assessed in said county for the year 1837, and the collector of said county of Spencer for the year 1841, shall collect ten cents on each hundred dollars returned by the assessor for the year 1837, and said collector shall collect and pay over the same as other taxes are paid and shall receive the same per centum &c. for said services.

Sec. 2. The clerk of Cass county is required and it is hereby made his duty to make out a certified list of taxables as assessed in said county of Cass for the year 1839, and the collector of said county for the year 1841 shall collect fifteen cents on each hundred dollars returned by the assessor for the year 1839 and shall pay over the same as other taxes are paid and shall receive the same per centum for said services.

Sec. 3. Strike out persons doing county business and insert 'clerk'.

Which was not agreed to.

The following message was received from the Senate by Mr. Elliott a member:

MR. SPEAKER—

The Senate insist on their amendment to bill of the House No. 168, an act to amend an act approved February 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States as the state of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23d, 1836.

Messrs. Parker and Beard of St. Joseph are appointed a committee of free conference on the part of the Senate, to act with a similar one to be appointed on the part of the House the disagreement of the two houses in relation thereto.

Mr. Walpole moved that the House adhere to its disagreement to the amendment made by the Senate to bill No. 168 in the message,

And the ayes and noes being demanded thereon by Messrs. Walpole and Montgomery of W.,

*Those who voted in the affirmative were*

Messrs. Bowles, Brenton, Burton, Byers, Carr, Chrisman, Clark of Tip., Clark of Fountain, Coffeen, Conner, Dunbar, Durbin, Foote, Henley, Houghton, Kerr, Leslie, McCully, Miller, Montgomery of Warren, Newell of Fountain, Newell of White, Rawlings, Read, Ritchey, Rippey, Rose, Rulon, Schoonover, Shanks, Shawhan, Sloan, Smydth of D., Stanford, and Walpole—35.

*Those who voted in the negative were*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Butler of Cass, Butler of Vanderburgh, Champer, Clark of Dearborn, Cole, Coleman, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hamer, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Lancaster, Mason, Montgomery of Gibson, Morgan, North, Rayburn, Runyan, Russell, Shortridge, Smith of F., Stratton, Sweetser of Grant, Terrell, Wilson, Woodard and Mr. Speaker—45.

Mr. Defrees moved that a committee of free conference be appointed on the part of the House to confer with the committee on the part of the Senate in relation to said bill.

Which was agreed to.

Messrs. Defrees and Dunn were appointed said committee.

The following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill of the House of Representatives, entitled,

No. 368—An act making specific appropriations for the year 1841.

With several amendments, in which I am instructed to ask the concurrence of the House of Representatives.

The first amendment made by the Senate was agreed to with the following amendment:

Add "fifty cents" after "three dollars" as the pay of the Enrolling clerk.

The 2d amendment was not concurred in.

The 3d amendment was concurred in.

The 4th amendment was concurred in with the following amendment:

Strike out "two dollars" and insert "one dollar and fifty cents."

The 5th amendment was concurred in with the following amendment:

Strike out "forty-two" and insert "forty-eight."

The following message was received from the Senate by Mr. Dobson a member:

MR. SPEAKER—

I am instructed by the Senate to inform the House that the Senate have adopted the following resolution:

*Resolved*, That the Senate will (the House concurring therein) proceed to the election of a Fund Commissioner to-day at 4 o'clock.

Which was concurred in by the House.

The following message was received from the Senate by Mr. Maquire their secretary:

MR. SPEAKER—

The Senate has passed an engrossed bill of the House, entitled No. 377—An act to amend an act regulating the practice at law, With amendments, by adding two sections thereto—also by amending the title as follows:

And to provide for the collection of the revenue of Cass county for the year 1839.

In which amendments the concurrence of the house is respectfully requested.

Mr. Stanford moved to concur in the amendment of the Senate to bill No, 377, with an amendment,

Which was agreed to.

MR. SPEAKER—

The Senate has passed engrossed joint resolutions of the House of Representatives, entitled,

No. 370—A joint resolution on the subject of the State Board of Equalization;

No. 376—A joint resolution relative to the superintendents of the State Prison;

No. 379—A joint resolution relative to Michigan road lands;

No. 379 with an amendment, in which the concurrence of the House is requested.

The amendment made by the Senate to bill No. 379 was concurred in.

Mr. Masom made the following report:

MR. SPEAKER:

The committee on the canal fund to whom were referred two sever-



al bills, to-wit: bill No. 136, to make Treasury Notes receivable in payment for canal lands; also bill No. 272, to provide for the redemption of Treasury Notes, have had said bills under their consideration, and are of opinion that further legislation on these subjects is unnecessary, and have directed me to report the same back to the House and ask to be discharged from the further consideration of the subjects.

Which was concurred in.

Mr. Shortridge made the following report:

MR. SPEAKER—

The committee on corporations to whom was referred bill No. 334 of the House, to vacate so much of Tompkins street as lies north of Mechanics' street in the town of Shelby, beg leave to report it back to the House without any action thereon by the request of the member from Shelby, and ask to be discharged.

Which was concurred in, and bill No. 334,

Was laid on the table.

The following message was received from the Senate by Mr. Harris a member:

MR. SPEAKER—

The Senate has passed engrossed bills of the House of Representatives, entitled,

No. 171—Declaring a certain name therein a misprint and for other purposes;

No. 165—To tax the individual stock in the several branches of the State Bank of Indiana;

No. 367—For the relief of Clements & Roddick, contractors on the southern division of the Central Canal;

The two first named without amendment, and the last named with an amendment, in which the concurrence of the House of Representatives is requested.

On motion of Mr. Smydth of D.,

That portion of the message which relates to the amendment made by the Senate to bill No. 367 was laid on the table.

The following message was received from the Senate by Mr. Moffatt a member:

MR. SPEAKER—

I am directed to inform the House of Representatives that the Senate adheres to their amendment to bill No. 199, of the House, entitled, an act to relocate the county seat of Sullivan county;

On motion of Mr. Jenckes,

The House receded from its disagreement to bill No. 199 in the message.

On motion of Mr. Schoonover,

*Resolved*, That the Secretary of State be directed to cause a full and complete index to be made to the Journal of the present House of Representatives.

On motion of Mr. Graham,

*Resolved*, That the Senate be invited to attend in the *Hall* of the House of Representatives instanter, to proceed to the election of Fund Commissioner; and that seats be provided for them on the right of the Speaker's chair.

The Senate then came into the *Hall* of the *House*, and took their seats on the right of the Speaker's chair, the President of the Senate on the right of the Speaker, when both Houses proceeded by a joint viva voce vote, to elect a Fund Commissioner.

*Those who voted for Noah Noble, were, Senate,*

Messrs. Angle, Arion, Baird of St. Joseph, Beard of Mont. Bell, Elliott, Evarts, Ewing, Hackett, Hanna, Herriott, Morgan, Mount, Nave, Parker, Stafford, Tannehill, and Williams.

*House*—Messrs. Atherton, Blair, Blankenship, Bradbury, Brenton, Brown, Burgess, Butler of C., Chrisman, Coffeen, Defrees, Elkins, Goodenow, Graham, Hanna, Harding, Harrah, Harrison, Hiatt, Lancaster, Montgomery of G., Morgan, Newell of W., Quick, Rayburn, Rose, Runyan, Shawhan, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Woodward, and Mr. Speaker—53.

*Those who voted for M. C. Fitch, were, Senate,*

Messrs. Berry, Carr, Chamberlain, Clark, Collins, Foster, Harris, Lowe, M'Cord, Riley, and Thompson.

*House*—Messrs. Akin, Bowles, Byers, Carr, Clark of F., Clark of T., Conner, Dunbar, Foote, Hamer, Henley, Houghton, Jones, Leslie, Miller, Rawlings, Read, Rippey, Rulon, Schoonover, Shanks, Sloan, and Walpole—35.

*Those who voted for L. H. Scott, were, Senate,*

Messrs. Blair, Carnan, Dqbson, Hoover, Moffatt, Stevenson, Test, and Wright.

*House*—Messrs. Ball, Butler of V., Burtcn, Champer, Coleman, Dowling, Farrington, Howe, Jenckes, Kerr, M'Cully, Montgomery of W., Newell of F., Russell, Shortridge, Smydth of D., and Wilson—26.

*Those who voted for E. D. John, were, Senate,*

Messrs. Cravens, Eggleston, and Watts.

*House*—Messrs. Bowers, Clark of D., Cole, Dunn, Durbin, Mason, and North—10.

*Those who voted for J. F. D. Lanier, were,*

Messrs. Armstrong, M'Coy, and Ritchey—3.

Neither of the gentlemen having received a majority of all the votes given, the Convention proceeded in like manner to a second vote.

*Those who voted for Noah Noble, were, Senate,*

Messrs. Angle, Arion, Baird of St. Josephs, Beard of M., Bell, Elliott, Everts, Ewing, Hanna, Herriott, Hoover, Morgan, Mount, Nave, Parker, Stafford, Stevenson, Tannehill, Test, Watts, and Williams.

*House*—Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brenton, Brown, Burgess, Butler of C., Chrisnan, Clark of D., Coffeen, Coleman, Defrees, Dunn, Elkins, Goodenow, Graham, Hanna, Harding, Harral, Harrison, Hiatt, Lancaster, Montgomery of W., Morgan, Newell of W., Quick, Rayburn, Rose, Runyan, Shawhan, Shortridge, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Wilson, Woodard, and Mr. Speaker—64.

*Those who voted for Mason M. Fitch, were, Senate,*

Messrs. Armstrong, Berry, Carnan, Carr, Chamberlain, Clark, Collins, Cravens, Dobson, Eggleston, Hackett, Hargrove, Harris, Lowe, M'Cord, Moffatt, Riley, Thompson, and Wright.

*House*—Messrs. Akin, Bowles, Burton, Butler of V., Byers, Carr, Champer, Clark of F., Clark of T., Cole, Conner, Dowling, Dunbar, Durbin, Farrington, Foote, Hamer, Houghton, Howe, Jenckes, Jones, Kerr, Leslie, M'Culley, Miller, Montgomery of G., Newell of F., North, Rawlings, Read, Rippey, Rulon, Russell, Schoonover, Shanks, Sloan, Smydth of D., and Walpole—57.

Messrs. M'Coy, and Ritchey, (House,) voted for J. F. D. Lanier.

Noah Noble, Esq., having received a majority of all the votes given, was, by the President of the Senate, declared duly elected Fund Commissioner of this State, to serve as such for the term of two years, from and after this date.

The Convention then adjourned, and the Senate retired to their chamber.

Mr. Defrees made the following report:

MR. SPEAKER—

The committee of Free Conference, appointed to take into con-

sideration the disagreement of the two Houses, in relation to bill No. 168, of the House, entitled "an act to amend an act approved Feb. 6, 1837, entitled an act to provide for distributing so much of the Surplus Revenue of the United States, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved June 23, 1836, have had the same under consideration, and have unanimously agreed to the following amendments to said bill.

Mr. Walpole moved to lay the report, together with the bill and amendments on the table.

And the ayes and noes being demanded thereon by Messrs. Walpole and Sloan.

*Those who voted in the affirmative were,*

Messrs. Akin, Bowles, Brenton, Burton, Byers, Carr, Chrisman, Clark of F., Clark of T., Dunbar, Durbin, Foote, Hamer, Henley, Houghton, Kerr, Leslie, M'Coy, Montgomery of G., Newell of F., Rawlings, Read, Ritchey, Rippey, Rulon, Schoonover, Shanks, Sloan, and Walpole—29.

*Those who voted in the negative were,*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Butler of C., Butler of V., Champer, Clark of D., Coffeen, Cole, Coleman, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Lancaster, Mason, M'Cully, Miller, Montgomery of W., Morgan, North, Quick, Rayburn, Rose, Runyan, Russell, Shawhan, Shortridge, Smydth of D., Smith of F., Stanford, Stratton, Sweetser of G., Terrel, Wilson, Woodard, and Mr. Speaker—51.

So said report was not laid on the table.

The question then being on concurring in the report of the committee of Free Conference.

And the ayes and noes being demanded thereon by Messrs. Walpole and Sloan.

*Those who voted in the affirmative were*

Messrs. Atherton, Ball, Blair, Blankenship, Bowers, Bradbury, Brown, Burgess, Butler of C., Butler of V., Champer, Clark of D., Coffeen, Cole, Coleman, Defrees, Dowling, Dunn, Elkins, Farrington, Goodenow, Hanna, Harding, Harrah, Harrison, Hiatt, Howe, Jenckes, Lancaster, Mason, Montgomery of G., North, Rayburn, Rose, Runyan, Russell, Smith of F., Stanford, Stratton, Sweetser of G., Sweetser of M., Terrell, Wilson, Woodard, and Mr. Speaker—45.

*Those who voted in the negative were*

Messrs. Akin, Bowles, Brenton, Burton, Byers, Carr, Chrisman, Clark of F., Clark of T., Dunbar, Foote, Hamer, Henley, Houghton, Kerr, Leslie, *M*Coy, *M*Culley, Miller, Montgomery of W., Newell of F., Quick, Rawlings, Read, Ritchey, Rippey. Rulon, Schoonover, Shanks, Shawhan, Sloan, Smydth of D., and Walpole—34.

So said report was concurred in.

The following message was received from the Senate by Mr. Elliott, a member.

Mr. SPEAKER—

The Senate has receded from their fourth amendment to the bill of the House of Representatives,

No. 135—An act to provide for the settlement of disputed claims, for labor on the public works.

The following message was received from the Senate by Mr. Hanna, a member.

Mr. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed a bill of the House,

No. 351, to provide for the further construction of the Madison and Indianapolis rail-road;

With an amendment, in which amendment the concurrence of the House of Representatives is requested.

On motion of Mr. Sweetser,

The House disagreed to the amendment of the Senate made to bill No. 351, in the message.

Mr. Montgomery of W., introduced No. 389, a bill supplemental to an act making specific appropriations for the year 1841.

Which was read three several times, the rules being dispensed with, and passed.

Mr. Dowling made the following report:

Mr. SPEAKER—

The select committee to which was referred a joint resolution of the Senate, No. 165, entitled a joint resolution relative to the State Library, have had the same under consideration, and have directed me to report the same back to the House, and recommend that the joint resolution be laid on the table.

Which was concurred in.

The following message was received from the Senate by Mr. Parker a member:

MR. SPEAKER:

I am instructed to inform the House that the Senate has concurred in the report of the committee of free conference, appointed to take into consideration the disagreement of the two Houses in reference to bill No. 168 of the House, entitled an act to amend an act approved February 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836.

The following message was received from the Senate by Mr. Wright, a member:

MR. SPEAKER:

The Senate has passed engrossed bills of the House and a joint resolution entitled:

No. 382, an act to make general appropriations for the year 1841;

No. 386, an act to locate a State road;

No. 358, an act authorizing purchasers of the Wabash and Erie canal lands to pay interest thereon;

No. 374, an act for the relief of Eli Davis;

No. 385, a joint resolution in relation to the affairs of the town of Indianapolis.

All without amendment.

The following message was received from the Senate by Mr. Clark a member:

MR. SPEAKER;

I am directed by the Senate to inform the House that the Senate has passed a bill of the House No. 384, entitled a bill allowing further time for the assessor of Lawrence county to complete his assessment, and for other purposes, without amendment.

The House adjourned till 7 o'clock in the evening.

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*7 o'clock, evening.*

The House met.

On motion of Mr. Sweetser of M.,

The House reconsidered the vote on concurring in the amendments to the bill of the Senate No. —.

Mr. Sweetser of M., moved to concur in the amendment of the Senate to the bill referred to in the message, with the following amendment:

Insert as an additional section—

Six thousand dollars of the money aforesaid shall be paid into the Treasury of State annually, until said road shall be completed from Vernon to Edinburgh; all the balance of said money raised by said tax, shall be appropriated to the construction of said road.

And the ayes and noes being demanded thereon by Messrs. Champer and Blankenship,

*Those who voted in the affirmative were,*

Messrs. Akin, Atherton, Ball, Blair, Blankenship, Bowers, Bowles, Bradbury, Brenton, Brown, Burgess, Burton, Butler of C., Byers, Chiles, Chrisman, Clark of D., Clark of F., Clark of T., Coffeen, Cole, Defrees, Dowling, Dunn, Dunbar, Durbin, Elkins, Farrington, Foote, Goodenow, Graham, Hanna, Harding, Harrah, Henley, Howe, Jenckes, Jones, Kerr, Lancaster, Mason, M'Coy, M'Culley, Montgomery of G., Montgomery of W., Newell of F., Newell of W., North, Quick, Rawlings, Read, Rayburn, Ritchey, Rippey, Rose, Rulon, Russell, Schoonover, Shanks, Shawhan, Shortridge, Smith of F., Standford, Stratton, Sweetser of G., Sweetser of M., Terrell, Walpole, Wilson, and Mr. Speaker—70.

*Those who voted in the negative were,*

Messrs. Champer, Miller, and Sloan—3.

So said amendment was concurred in.

The following message was received from the Senate by Mr. Williams a member:

Mr. SPEAKER;

I am instructed by the Senate to inform the House of Representatives that the Senate has passed the bill of the House No. 312, to incorporate the Hagerstown canal company, with two amendments, in which the concurrence of the House is respectfully requested.

The amendments to bill No. 312 in the message, were concurred in.

The following message was received from the Senate by Mr. Maguire their Secretary:

Mr. SPEAKER;

The Senate has passed engrossed bill of the House of Representatives entitled,

No. 389, an act supplemental to an act making specific appropriations for the year 1841;

Without amendment.

The following message was received from the Senate by Mr. Maquire their Secretary:

MR. SPEAKER:

The Senate has passed an engrossed bill of the House without amendment, entitled,

No. 383, an act supplemental to an act entitled an act for the relief of Andrew Wilson, passed at the present session of the General Assembly.

The following message was received from the Senate by Mr. Maquire their Secretary;

MR. SPEAKER:

The Senate has concurred in the amendments made by the House of Representatives to the 1st, 4th, and 5th amendments of the Senate to the bill of the House of Representatives No. 368, making specific appropriations for the year 1841, and has receded from the second amendment made by the Senate to said bill.

On motion of Mr. Jones.

*Resolved*, That for the able, calm, dignified, and impartial manner in which the Hon. Samuel Judah, has presided over the deliberations of this House, during the present session, we do hereby return him our most cordial thanks.

Mr. Morgan made the following report:

MR. SPEAKER;

The committee of Free Conference appointed to take into consideration the disagreement of the two Houses, in reference to bill of the House No. 98, regulating the taking up of animals going astray, and water craft, and other articles of value adrift, have had the subject under consideration, and agreed to sundry amendments thereto, in which the concurrence of the *House* is requested.

The following message was received from the Senate by Mr. Maquire their Secretary.

MR. SPEAKER:

The Senate has passed an engrossed bill thereof, entitled,

No. 170—An act in relation to so much of the surplus revenue as has been distributed in the several counties of this State.

In which I am directed to ask the concurrence of the House of Representatives.

Bill No. 170 named in the message, was read three times (the rules being suspended) and passed.

The following message was received from the Senate by Mr. Maquire, their Secretary.



MR. SPEAKER:

The Senate has refused to concur in the amendment of the House to the amendment of the Senate, to the bill of the House, No. 351, to provide for the further construction of the Madison and Indianapolis Rail road.

The House then receded from its amendment to the amendment of the Senate to bill No. 351, and concurred in the amendment of the Senate to said bill.

The following message was received from the Senate by Mr. Maguire, their Secretary.

MR. SPEAKER;

The Senate has passed an engrossed bill of the House of Representatives, No. 137, entitled,

No. 137—An act to provide for the assessment and collection of the State Revenue, for the county of Spencer, in the year 1837; and also in the county of Cass, due for the year 1839,

With an amendment,

As follows, viz:

Strike out "\$501 48" and insert "\$491 58."

The House concurred in said amendment of the Senate, to bill No. 137.

The following message was received from the Senate by Mr. Maguire, their Secretary.

MR. SPEAKER;

The Senate has concurred in the report of the committee of Free Conference, appointed on the part of the two Houses to take into consideration the disagreement of the two Houses on the subject of the bill of the House, No. 98, regulating the taking up of animals going astray, and water craft and other articles of value adrift.

Mr. Butler of C., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills, report that they have compared the enrolled, with the engrossed bills of the House of the following titles, and find the same duly enrolled, to-wit:

No. 229—A joint resolution providing for a correspondence between the Executive of Indiana and Ohio, in reference to the completion of the Wabash and Erie Canal.

No. 306—An act to incorporate the Livonia Band of Musicians.

No. 344—A joint resolution in relation to the Historical Society of the State of New York.

No. 221—An act to amend an act incorporating the Seminary in the county of Gibson, and for other purposes, approved January 21, 1826, so far as relates to the Orange county Library.

No. 365—An act supplemental to an act, fixing the times of holding Circuit Courts in the eighth Judicial Circuit.

No. 373—A joint resolution in relation to the Auditor of Public Accounts.

No. 323—A joint resolution relative to the Auditor of Public Accounts.

No. 371—A joint resolution on the subject of the redemption and cancelling of Treasury Notes.

No. 343—A bill to repeal part of an act incorporating.

No. 372—An act defining the manner of selecting petit jurors, in Hendricks county.

No. 227—An act supplemental to an act, subjecting real and personal property to execution, approved Feb. 4, 1831.

No. 285—An act to provide for the appointment of a Fund Commissioner to collect the suspended debt of the State.

Mr. Byers made the following report:

MR. SPEAKER:

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill of the Senate, and find the same truly enrolled, as follows, to-wit:

No. 116—An act for the relief of Joseph H. Hendricks.

MR. SPEAKER—

The following message was received from the Governor by Mr. Moore:

I am directed by the Governor to inform the House of Representatives that on to-day he approved and signed,

An act to provide for the appointment of a Fund Commissioner to collect the suspended debt of the State.

Which originated in the House of Representatives.

The following message was received from the Governor by Mr. Moore, his private Secretary:

MR. SPEAKER—

I am directed by the Governor to inform the House of Representatives that on yesterday he approved and signed,

An act to incorporate the town of Cambridge City in Wayne county, Indiana;

An act prescribing the duties of County Auditor;

An act to incorporate the town of Wilmington in Dearborn county;

And that on this day he has approved and signed,

An act to incorporate the Livonia Band of Music;

An act to amend an act entitled "an act incorporating a Seminary in the county of Gibson, and for other purposes," approved January 21, 1836, so far as the same relates to the Seminary of Orange county;

An act supplemental to an act fixing the times of holding circuit courts in the eighth judicial circuit;

An act defining the manner of selecting petit jurors in Hancock county;

An act to amend an act entitled "an act to incorporate the town of Indianapolis in the county of Marion," approved February 17th, 1838;

An act levying taxes for State and Internal Improvement purposes;

A joint resolution relative to the Auditor of Public Accounts;

A joint resolution of the General Assembly of the State of Indiana on the subject of the redemption and cancelling Treasury Notes;

A joint resolution in relation to the Historical Society of the State of New-York.

A joint resolution to amend the joint resolution relative to the Auditor of Public Accounts, approved February 9, 1831;

A joint resolution requesting the Governor to enter into a correspondence with the Executive of the State of Ohio upon the subject of the completion of the Wabash and Erie Canal.

All of which originated in the House of Representatives.

The following message was received from the Governor by Mr. Moore his private Secretary:

Mr. SPEAKER—

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed,

An act supplemental to an act entitled, "an act subjecting real and personal property to execution," approved February 4, 1831.

Which originated in the House of Representatives.

On motion,

The House adjourned until Monday morning 5 o'clock.

MONDAY, FEBRUARY 15th, 1841.

The House met pursuant to adjournment.

Mr. Jenckes offered for adoption the following resolution:

*Resolved*, That a committee of two be appointed on the part of the House to act with a similar committee on the part of the Senate, to wait upon the Governor and inform him that both Houses of the General Assembly have gone through their legislative business and are now ready to adjourn, if he have no further communication to make to them.

Which was adopted.

And Messrs. Jenckes and Terrell were appointed said committee.

Mr. Newell of F. made the following report:

Mr. SPEAKER;

The joint committee on enrolled bills, have compared the following enrolled bills, with the engrossed bills, and find them truly enrolled, to-wit:

No. 131—An act providing for a State road in the counties of Allen and Huntington.

No. 149—An act to amend an act entitled an act, relating to county Seminaries.

No. 137—An act more effectually to secure the purity of elections.

No. 115—An act for the relief of Ann Gertrude Brick, and Adam and Maurice Brick.

No. 259—An act to secure the safety of the public funds, by requiring bonds of certain officers.

No. 251—An act to extend the time of payment to purchasers of school lands in the county of Randolph, and for other purposes.

No. 281—An act to incorporate the Indianapolis Band of Musicians.

No. 340—An act vacating part of a State road therein named.

No. 198—An act to repeal an act entitled, "An act vacating a part of the town of Milford, in the county of Kosciusko.

No. 48—An act to authorize the sale of certain school lands, in the county of Jay.

No. 78—An act providing for the payment of the Bank debt.

No. 305—An act to amend, "An act to provide for the distribution of the laws and journals, approved Feb. 10, 1831.

No. 313—An act to amend, "An act entitled an act to amend an act to provide for draining Lost creek, in Vigo county.

No. 26—An act to amend an act entitled, "An act to incorporate the Lawrenceburgh Bridge Company, approved January 24, 1837.

No. 233—An act to repeal an act entitled, "An act to repeal a certain act in Dearborn county, therein named, approved February 5, 1839.

No. 61—An act to authorize the payment of contractors on the Wabash and Erie canal, east of Tippecanoe river.

No. 326—An act to incorporate the Marion and Wabash Turnpike Company.

No. 341—An act to incorporate the Lagro and Muncietown Turnpike Company.

No. 369—An act to provide for the payment of debts contracted by the late mayor and common council of the town of Lafayette, under the charter of said town, approved Feb. 4, 1837.

No. 314—An act relative to lands returned to the School Commissioner of Laporte county.

No. 194—An act to protect lands mortgaged to the State from forfeiture, for the non-payment of corporation taxes.

No. 159—An act for the relief of the collector of Scott county, for the years 1834 & 1835.

No. 157—An act to incorporate the Washington Band of Laporte.

No. 156—An act to repeal an act therein named, relative to a State road in Delaware county.

No. 154—An act to repeal an act to incorporate the town of Lebanon, in the county of Boon.

No. 356—An act to incorporate the Portage Bridge Company.

No. 275—An act for the relief of Andrew Wilson.

Mr. Butler of C., made the following report:

No. 379—A joint resolution on the subject of Michigan Road Lands.

No. 279—An act to authorize the erection of a mill dam across Eel river, in Wabash county.

No. 370—A joint resolution on the subject of the State Board of Equalization.

No. 382—An act to make general appropriations for the year 1841.

No. 383—An act supplemental to an act passed at the present session of the General Assembly, entitled an act for the relief of Andrew Wilson.

No. 137—An act to provide for the assessment and collection of the State revenue, in the county of Spencer, due for the year 1837, and also, to provide for the assessment and collection of the State revenue in the county of Cass, due for the year 1839.

No. 165—An act to tax the individual stock in the several branches of the State Bank of Indiana.

No. 389—An act supplemental to an act, making specific appropriations for the year 1841.

No. 168—An act to amend an act, approved Feb. 5, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved Jan. 23, 1836.

No. 167—An act to revise and amend an act incorporating con-

gressional Townships, and providing for public schools therein, approved Feb. 17, 1838.

No. 98—An act regulatíng the taking up of animals going astray, and water crafts, and other articles of value adrift.

No. 361—An act supplemental to an act to provide for the completion of that portion of the Cross Cut Canal between the Feeder dam, in Clay county, and Terre Haute, approved Jan. 30, 1841.

No. 351—An act to provide for the further construction of the Madison and Indianapolis Rail road.

No. 312—An act to incorporate the Hagerstown Canal Company. Mr. Butler of C., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did on this day, present to his Excellency the Governor for his approval and signature, the following entitled acts and joint resolutions, to-wit:

No. 324—An act for the relief of Thomas Nichols.

No. 160—An act supplemental to an act, pointing out the mode of levying taxes.

No. 174—An act for the relief of owners of Indian reservations.

No. 131—An act for the relief of Edward H. Jacot.

No. 358—An act authorizing purchasers of the Wabash and Erie Canal lands to pay interest thereon.

No. 386—An act to amend an act entitled an act to establish a certain State road therein named, and for other purposes, approved Feb. 24, 1840.

No. 374—An act for the relief of Eli Davies.

No. 376—A joint resolution relative to the Superintendents of the State Prison.

No. 385—A joint resolution in relation to the affairs of the Town of Indianapolis.

No. 384—An act allowing further time for the Assessor of Lawrence county, to complete his assessment, and for other purposes.

No. 171—An act declaring a certain name therein, a misprint, and for other purposes.

No. 379—A joint resolution on the subject of Michigan Road lands.

Mr. Butler of Cass, made the following report:

MR. SPEAKER:

The joint committee on enrolled bills, report that they have compared the enrolled with the engrossed bills of the House of the following titles, and find the same duly enrolled, to-wit:

No. 324—An act for the relief of Thomas Nichols.

No. 160—An act supplemental to an act pointing out the mode of levying taxes.

No. 174—An act for the relief of owners of Indian reservations.

No. 131—An act for the relief of Edward H. Jacot.

No. 358—An act authorizing purchasers of the Wabash and Erie Canal lands to pay interest thereon.

No. 386—An act to amend an act entitled an act to establish a certain State road therein named, and for other purposes, approved Feb. 24, 1840.

No. 374—An act for the relief of Eli Davis.

No. 376—A joint resolution relative to the Superintendents of the State Prison.

No. 385—A joint resolution in relation to the affairs of the town of Indianapolis.

No. 384—An act allowing further time for the Assessor of Lawrence county, to complete his assessment, and for other purposes.

No. 171—An act declaring a certain name therein a misprint, and for other purposes.

No. 279—An act to authorize the erection of a mill dam across Eel river, in Wabash county.

No. 370—A joint resolution on the subject of the State Board of Equalization.

No. 382—An act to make general appropriations for the year 1841.

No. 383—An act supplemental to an act, passed at the present session of the General Assembly, entitled an act for the relief of Andrew Wilson.

No. 137—An act to provide for the assessment and collection of the State Revenue in the county of Spencer, due for the year 1837; and also to provide for the assessment and collection of the State Revenue in the county of Cass, due for the year 1839.

No. 165—An act to tax the individual stock in the several branches of the State Bank of Indiana.

No. 168—An act to amend an act, approved Feb. 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved Jan. 23, 1836.

No. 169—An act to revise and amend an act to incorporate congressional Townships, and providing for public schools therein, approved Feb. 17, 1838.

No. 359—An act to establish certain State roads therein named, and for other purposes.

No. 368—An act making specific appropriations for the year 1841.

Mr. Butler of C., made the following report:

MR. SPEAKER—

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor for his approval and signature, the following entitled acts and joint resolutions.

No. 229—A joint resolution providing for a correspondence be-

tween the Executives of Indiana and Ohio, in reference to the completion of the Wabash and Erie Canal.

No. 306—An act to incorporate the Livonia Band of Musicians.

No. 344—A joint resolution in relation to the Historical Society of the State of New York.

No. 221—An act to amend an act incorporating the Seminary, in the county of Gibson, and for other purposes, approved Jan. 21, 1826, so far as relates to the Orange County Library.

No. 365—An act supplemental to an act fixing the times of holding Circuit Courts in the eighth judicial Circuit.

No. 373—A joint resolution in relation to the Auditor of Public Accounts.

No. 371—A joint resolution on the subject of the redemption and canceling of Treasury Notes.

No. 343—An act to repeal part of an act incorporating.

No. 392—An act defining the manner of selecting petit jurors in Hendricks county.

No. 359—An act to establish certain State roads therein named, and for other purposes.

No. 368—An act making specific appropriations for the year 1841.

No. 98—An act regulating the taking up of animals going astray, and water crafts and other articles of value adrift.

No. 361—An act supplemental to an act to provide for the completion of that portion of the Cross Cut Canal between the Feeder dam, in Clay county and Terre Haute, approved Jan. 30, 1841.

No. 351—An act to provide for the further construction of the Madison and Indianapolis Rail road.

No. 312—An act to incorporate the Hagerstown Canal Company.

The following message was received from the Senate by Mr. Maguire their Secretary:

MR. SPEAKER:

The Senate has reciprocated the resolution of the House of Representatives appointing a committee to wait on the Governor and inform him that both Houses of the General Assembly have completed their legislative business, and are now ready to adjourn *sine die*, if he have no further communication to make to them.

And Messrs. Hanna and Armstrong are appointed said committee on the part of the Senate.

Mr. Newell of F., made the following report:

MR. SPEAKER:

The joint committee on enrolled bills have this day presented to the Governor for his signature the following entitled acts, to wit:

No. 149, an act to amend an act entitled an act relating to county seminaries;



No. 131, an act providing for a State road in the counties of Allen and Huntington;

No. 137, an act more effectually to secure the purity of elections;

No. 115, an act for the relief Ann Gertrude Brick and Adam and Maurice Brick;

No. 259, an act to secure the safety of the public funds by requiring bonds of certain officers;

No. 251, an act to extend the time of payment to purchasers of school lands in the county of Randolph, and for other purposes;

No. 281, an act to incorporate the Indianapolis band of musicians.

No. 340, an act vacating part of a State road therein named;

No. 198, an act to repeal an act entitled an act vacating a part of the town of Milford in the county of Kosciusko;

No. 48, an act to authorize the sale of certain school lands in the county of Jay;

No. 78, an act providing for the payment of the bank debt;

No. 305, an act to amend an act to provide for the distribution of the laws and journals, approved February 10th, 1831;

No. 313, an act to amend an act entitled an act to amend an act to provide for draining Lost creek in Vigo county;

No. 26, an act to amend an act entitled an act to incorporate the Lawrenceburgh bridge company, approved January 24, 1837;

No. 233, an act to repeal an act entitled an act to repeal a certain act in Dearborn county, therein named, approved February 5th, 1839;

No. 61, an act to authorize the payment of contractors on the Wabash and Erie canal east of Tippecanoe river;

No. 326, an act to incorporate the Marion and Wabash turnpike company;

No. 341, an act to incorporate the Lagro and Muncietown turnpike company;

No. 369, an act to provide for the payment of debts contracted by the late mayor and common council of the town of Lafayette under the charter of said town, approved Feb. 4th, 1837;

No. 314, an act relative to lands returned to the school commissioner of Laporte county;

No. 194, an act to protect lands mortgaged to the State from forfeiture for the non-payment of corporation taxes;

No. 159, an act for the relief of the collector of Scott county for the years 1834 and 1835;

No. 157, an act to incorporate the Washington band, of Laporte;

No. 156, an act to repeal an act therein named relative to a State road in Delaware county;

No. 154, an act to repeal an act to incorporate the town of Lebanon in the county of Boon;

No. 356, an act to incorporate the Portage bridge company;

No. 275, an act for the relief of Andrew Wilson.

On motion of Mr. Farrington,

*Resolved*, That the Senate be informed that the House of Represen-

tatives have gone through their legislative business, and are now ready to adjourn *sine die*.

Ordered, that the Clerk inform the Senate of the adoption of this resolution.

Mr. Jenckes made the following report:

MR. SPEAKER:

The committee appointed on the part of the House to act with a similar committee on the part of the Senate, have waited on the Governor and have received for answer that he has no further communications to make.

A message from the Governor by Mr. Moore his Secretary:

MR. SPEAKER:

I am directed by the Governor to inform the House of Representatives that he has this day approved and signed:

An act to make general appropriations for the year 1841;

An act supplemental to an act passed at the present session of the General Assembly, entitled an act for the relief of Andrew Wilson;

An act for the relief of Thomas Nichols;

An act supplemental to an act pointing out the mode of levying taxes;

An act for the relief of owners of Indian reservations;

An act for the relief of Edward H. Jacot;

An act authorizing purchasers of the Wabash and Erie canal lands to pay interest thereon;

An act for the relief of Eli Davis;

An act to amend an act entitled an act to establish a certain State road therein named, and for other purposes, approved February 24th, 1840;

An act to tax individual stock in the several branches of the State Bank of Indiana;

An act supplemental to an act making specific appropriations for the year 1841;

An act to provide for the assessment and collection of the State revenue in the county of Spencer, due for the year 1837; and also to provide for the assessment and collection of the State revenue in the county of Cass, due for the year 1839;

An act to authorize the erection of a mill-dam across Eel river in Wabash county;

An act declaring a certain name therein a misprint, and for other purposes;

An act allowing further time for the assessor of Lawrence county to complete his assessment, and for other purposes;

An act to re-locate the county seat of Sullivan county;

An act regulating the taking up of animals going astray and water crafts and other articles of value adrift;

An act to establish certain State roads therein named, and for other purposes;

An act supplemental to an act entitled an act to provide for the completion of that portion of the Cross-Cut canal which lies between the Feeder-Dam and Terre-Haute, approved January 30th, 1841;

An act to provide for the further construction of the Madison and Indianapolis Rail-road;

An act making specific appropriations for the year 1841;

An act to provide for the settlement of suspended claims for labor upon the public works;

An act for the relief of Andrew Wilson;

An act to protect lands mortgaged to the State from forfeiture for the non-payment of corporation taxes;

An act to secure the safety of the public funds by requiring bonds of certain officers;

An act vacating part of a State road therein named;

An act to incorporate the Indianapolis band of musicians;

An act to amend an act entitled an act to incorporate the Lawrenceburgh bridge company, approved January 24th, 1837;

An act to amend an act to provide for the distribution of the laws and journals, approved Feb. 10th, 1831;

An act providing for the payment of the bank debt;

An act to authorize the sale of certain school lands in the county of Jay;

An act to incorporate the Hagerstown canal company;

An act to amend an act entitled an act to amend an act to provide for draining Lost creek in Vigo county;

An act to extend the time of payment to purchasers of school lands in Randolph county, and for other purposes;

An act to repeal an act entitled an act to vacate a part of the town of Milford, in the county of Kosciusko;

An act concerning petit jurors in certain counties therein named;

An act to repeal an act entitled an act to repeal a certain act in Dearborn county therein named, approved Feb. 5th, 1839.

An act to authorize the payment of contractors on the Wabash and Erie canal, east of the mouth of Tippecanoe river;

An act to incorporate the Portage bridge company;

An act to incorporate the Marion and Wabash turnpike company;

An act to incorporate the town of Connersville in the county of Fayette;

An act to incorporate the Lagro and Manchester Turnpike company;

An act to incorporate the Jonesborough bridge company;

An act to provide for the payment of debts contracted by the mayor and common council of the town of Lafayette, under the charter of said town, approved Feb. 4th, 1837;

An act to revise and amend an act incorporating congressional townships, and providing for public schools therein, approved February 17th, 1838;

An act to amend an act approved February 6th, 1837, entitled an act to provide for distributing so much of the Surplus Revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress approved January 23, 1836;

A joint resolution relative to the Superintendents of the State Prison;

A joint resolution in relation to the affairs of the town of Indianapolis;

A joint resolution on the subject of Michigan road lands;

A joint resolution on the subject of the State Board of Equalization;

All of which originated in the House of Representatives.

The following message was received from the Senate by Mr. Maguire, their Secretary:

MR. SPEAKER:

I am directed to inform the *House* of Representatives that the Senate has gone through with its legislative business, and is now ready to adjourn *sine die*.

Mr. Smith of F. moved that the House adjourn *sine day*.

The Speaker then arose and said:

GENTLEMEN—The time has arrived for me to execute the last act of that authority which your favor placed in my hands. Before I do this, permit me to say, that I most heartily acknowledge the continuance of your kindness in the support given to me during the session, and that I most sincerely hope that on your return to your homes, you may find your families in health, your friends in prosperity, and your constituents satisfied with your discharge of the high duties which have been confided to you.

The House then adjourned *sine die*.

Attest:

J. H. HAGER, *Principal Clerk*.  
WM. H. BENNETT, *Ass't Clerk*.

QUESTIONS OF ORDER.

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DEC. 10, 1840.

Mr. Smydth of Daviess offered for adoption a preamble and resolution. A motion was made to indefinitely postpone, which motion was decided in the negative by ayes and noes; a motion was then made by Mr. Walpole to amend; pending which question, it was moved that the resolution and amendment lie upon the table; which motion, by ayes and noes, was carried in the affirmative.

On the 14th Dec. a motion was made to re-consider the vote laying the resolution and pending amendment on the table; and it was so re-considered. The question then pending, whether the resolution should lie on the table, Mr. Walpole asked and obtained leave to withdraw his amendment; and Mr. Smydth of D. then asked and obtained leave to withdraw the resolution. The question was then put to the Speaker, whether or not the resolution and the proceedings consequent thereon should be withdrawn from the journal of the 10th inst.

The Speaker decided in the affirmative, and an appeal was then taken by two members, but withdrawn before a decision.

DEC. 24th, 1840.

“A bill providing for the payment of the Bank debt,” was introduced by Mr. Farrington. After the first reading a motion was made to lay it on the table, and print 200 copies. A question of order was then raised, on the ground that no question except a motion to reject, was in order on the first reading of the bill.

The Speaker then decided that “the motion to lay upon the table and print 200 copies” was in order.

DEC. 29th, 1840.

Mr. Defrees from a select committee made a report to the House. Mr. Henley moved that the report be amended. Mr. Smith of F., (then in the chair), decided that a report from a committee could not be amended. An appeal was taken from the decision of the chair by Messrs. Henley and Read, and the decision of the chair was sustained by the House.

DEC. 30th, 1840.

The Speaker laid before the House a communication from the Fund Commissioner; when Mr. Bowles moved that it be laid on the table and 1000 copies be printed. Mr. Champer called a division of the question, being on printing, which was decided in the affirmative, ayes 60, noes 33.

The question then recurring on the motion to print 1000 copies—the numbers of 500, 200, and 100 copies were also named. The question was then taken on the printing 1000 and decided in the negative. The next question being on 500, Mr. Henley demanded the ayes and noes, when,

The Speaker decided that at this stage of proceedings a call for the ayes and noes was not in order, on the ground that the question of printing a certain number of copies was but a single question, to-wit: What number of copies shall be printed? and that the ayes and noes should have been called for before putting the question on printing 1000 copies.

From this decision Mr. Henley appealed to the *House*, and the question being stated,

‘Shall the decision of the chair stand as the judgment of the House?’

It was decided in the negative, ayes 41, noes 49. So the House reversed the decision of the chair.

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On laying the bill and pending amendments on the table, - - - -	700
On committing the bill and amendments, - - - -	701
On Mr. Walpole's amendment, - - - -	701
On laying the bill and pending amendments on the table, - - - -	702
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On bill to provide for the payment of the interest on the public debt and for the redemption of Treasury notes, - - - -	755 757
On indefinitely postponing the bill of the Senate supplementary to an act pointing out the mode of levying the taxes, - - - -	759
On the bill to authorize the State Bank to issue small notes, - - - -	761, 764
On laying on the table joint resolution No. 263, relative to the Wabash and Erie canal, - - - -	764
On the passage of the bill of the Senate repealing all laws now in force authorizing the Sale of State bonds for Internal Improvement purposes, - - - -	766
On the passage of the bill to provide for the further construction of the Madison and Indianapolis rail-road, - - - -	768
On committing the joint resolution supplemental to the act passed at this session for the completion of a portion of the Cross-Cut canal, - - - -	770

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On concurring in the report of the majority of the committee on Canals and Internal Improvements, in reference to the claim of the Messrs. Stewarts, - - -	779
On concurring in the amendment of the Senate to the amendment of the House to bill No. 62 of the Senate,	784
On the passage of bill No. 337 supplemental to the 13th section of an act subjecting real and personal property to execution, approved Feb. 4, 1831, - - -	785
On the passage of the bill to provide for the further construction of the Madison and Indianapolis rail-road,	785
On the passage of bill of the Senate No. 160, supplemental to an act pointing out the mode of levying taxes,	786
On the bill to provide for the appointment of Fund Commissioner, - - - - -	790
On laying on the table Mr. Leslie's amendment to the joint resolution on the subject of a State board of Equalization, - - - - -	792
On Mr. Smith's amendment to bill for the relief of Clements and Roddick, - - - - -	792
On the bill of the Senate No. 168, allowing the State Bank to issue small notes, &c. - - - - -	798, 800
On the bill making general appropriations for the year 1841, - - - - -	800, 801
On reconsidering the vote concurring in the amendment of the Senate to bill No. 135, to provide for the settlement of disputed claims for labor on the public works,	802
On bill of the Senate to provide for the better regulation of the Indiana University, - - - - -	803, 804
On concurring in the amendment of the Senate to the bill for the re-location of the county seat of Sullivan county,	804
On rejecting a joint resolution to suspend the provisions of a bill supplemental to an act pointing out the mode of levying taxes, - - - - -	808
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BILLS OF THE HOUSE OF REPRESENTATIVES.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
2	A bill to regulate the practice in suits at law, -	52	71, 97	132	229	267, 283	319
3	A bill to stop the per diem compensation of members of the General Assembly in certain cases therein named, - - - - -	60	71, 79, 80	81	105	115, 131	136
4	A bill to repeal an act regulating the jurisdiction of justices of the peace in Jackson county, approved January 25, 1840, - - - - -	60	71	71	322	340	357
5	A bill to provide for a special term of the circuit court in Putnam county, - - - - -	65		65	86	101, 105, 157	115
6	A bill to vacate a part of the town of Kirklm in Clin-ton county, - - - - -	65	81, 87		137	157	171
7	A bill to appropriate a part of the three per cent. fund belonging to Greene county to certain purposes therein mentioned, - - - - -	70	81, 87	92	137		171
8	A bill to amend an act approved February 24, 1840, entitled an act relating to State roads, - - - - -	70	81, 87	92	106	115, 132	136
9	A bill for the relief of the collector of Spencer county, - - - - -	70					
10	A bill to authorize the redemption of Treasury notes	70					



11	heretofore issued of the denomination of fifty dollars,	70	81				
	A bill to amend an act entitled an act to prohibit the amalgamation of whites and blacks,	76	92, 93, 95		323	340	357
12	A bill for the relief of the heirs of John Buck deceased,	79	93, 95		229	262, 265	267
13	A bill to extend the time of final payment to the purchasers of the 16th sections,	79	93		162	319	314
14	A bill to amend an act entitled an act for the benefit of persons who are likely to suffer from the destruction of the records of Dubois county,	79	93, 95		103	193, 212	213
15	A bill for the relief of Benedict O'Neal,	79	93		103	193, 212	213
16	A bill relative to crime and punishment,	79					
17	A bill to provide for the mode of doing township business in the county of Miami,	79	93, 95		104	157	171
18	A bill for the relief of the collector of Elkhart county,	79	93				
19	A bill extending the time of payment to the borrowers of the sinking, college, and saline funds,			170			
20	A bill to authorize the board of commissioners and the probate court of Jackson county to hold the sessions of their respective courts in the Clerk's office,	87	103		132	193, 212	213
21	A bill to incorporate the Owen county band of Gosport,	87	103		132	193, 212	213
22	A bill to provide a more uniform mode of doing township business in the county of Elkhart,	87	103		132	193, 212	214
23	A bill to amend an act entitled an act providing for recording mortgages on personal property,	91	103		132	193, 212	
24	A bill to amend the practice in suits in chancery,	91	104, 117		133		
25	A bill attaching Randolph county to the 6th judicial circuit,	91	104				

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
26	A bill to amend an act entitled an act to incorporate the Lawrenceburgh bridge company, -						
27	A bill for the location of a State road in Clay county, - - - - -	91	104, 222, 240, 247	374	551	324	331
28	A bill to legalize the contract of separation between C. B. Pate and Catharine his wife, and William Patterson and Robert Turner her trustees, and for other purposes, - - - - -	91	104, 197				
29	A bill to provide for a more uniform mode of doing township business in the counties of Lagrange, Steuben and Noble, - - - - -	91	103	133	186	193, 212	214
30	A bill for the formation of the 12th judicial circuit, and for other purposes, - - - - -	91	104				
31	A bill to amend an act entitled an act regulating the taking up of animals going astray, and walter crafts and other articles of value adrift, -	92	104, 193				

32	A bill to revive part of an act therein named,	91	104			
33	A bill to amend an act entitled an act regulating the fees and salaries of the several officers and persons therein named, app. Feb. 7, 1831, - - -	94	104, 119			
34	A bill repealing so much of an act approved Feb'y. 21, 1810, as relates to Union county, - - -	94	103	133	186	193, 212 214
35	A bill to amend an act entitled an act regulating the practice in chancery, - - -	104, 136		143		
36	A bill for the relief of the children of Walter Slawter, deceased, - - -	97	133, 136	143	388	401, 402, 403
37	A bill to vacate the town plat of the village of Charlottesville in Kosciusko county, Ia., - -	98	133, 136,	143	186	193, 212 214
38	A bill for the prevention of frauds and perjuries, -	101	133			
39	A bill to authorize the collection of state and county revenue for 1839 for the county of Dubois, -	101		101	106	115, 132 136
40	A bill to lessen the per diem allowance of members of the General Assembly and other officers of State, -	101	133			
41	A bill to locate a state road from Marion in Grant county to Indianapolis, - - -	101				
42	A bill for the relief of William Truelock, - - -	101	133, 137	143	186	193, 212 214
43	A bill to amend an act defining and regulating privileges, - - -	101	133, 258	143		
44	A bill making contestors of elections liable for costs, -	108	134			
45	A bill to amend an act entitled "an act regulating the jurisdiction and duties of justices of the peace," app. Feb. 17, 1838, - - -	109	198			
46	A bill to amend an act entitled an act to organize Probate Courts, and defining the powers and duties of					

BILLS OF THE HOUSE OF REPRESENTATIVES.—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reprs.	Passed Senate.	Other proceedings.	Approved.
47	executors, administrators and guardians," app. Feb. 17, 1838, - - - - -	120	134				
	A bill supplemental to an act entitled "an act to prohibit the issuing and circulating of small notes commonly called shin plasters," app. Feb. 24, 1840, - - -	120	134				
48	A bill to authorize the sale of certain school lands in the county of Jay, - - - - -	121	134, 219	143	754	824, 829	831
49	A bill the better to provide for annual supplies of paper, stationary, light and fuel for state purposes, - -	122	134, 235	490			
50	A bill to amend an act entitled an act to incorporate the several townships in Dearborn county, app. Feb. 1, 1834, - - - - -	122	134	143	643	644, 748	771
51	A bill to revive certain acts relative to a stay of execution, - - - - -	129	143	158	323	340	357
52	A bill for the relief of Victor M. Cole, - - - - -	129	143, 144				
54	A bill requiring plaintiffs in vexatious suits to give security for costs, - - - - -	132	144				

55	A bill for the relief of John W. Cunningham, late collector of Putnam county,	132	145	158	218	262, 266	267
56	A bill to authorize and regulate congressional township libraries,	132	145, 292				
57	A bill to locate a state road therein named,	132	145				
58	A bill locating a state road from Evansville, Vanburgh county to Petersburg in Pike county and other purposes,	132	145				
59	A bill to incorporate the Madison Law Library Society,	132	145, 163	184	323	340	357
60	A bill authorizing the issuing of a special writ of distraint in certain cases,	132	145, 199	215			
61	A bill to authorize the payment of contractors on the Wabash and Erie Canal east of the mouth of Tippecanoe river,	140	158, 220, 678	679	752	825, 829	831
62	A bill providing for the discharge of insolvent persons who are detained in prison for the payment of costs in criminal cases,	143	158, 198	215			
63	A bill to authorize the commissioner of Dubois county to levy a tax ad valorem for certain purposes therein named,	143	158	194	262, 266	267	
64	A bill to amend an act entitled an act for assessing and collecting the revenue, app. April 10, 1831,	143	158, 196				
65	A bill for the relief of Mentor S. Johnson collector of Clay county,	143	158, 195	215	263	319	319
66	A bill for the relief of the Trustees of the Methodist Episcopal Church in Columbus,	147	158	194	262, 266	267	
67	A bill for the relief of the collector of the county revenue for the county of Spencer,	147	158	186	193, 212	214	

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
69	A bill making an appropriation to build a bridge across Laughey creek in Ripley county where the state road from Napoleon to Lawrenceburgh crosses the same, - - - - -	154	172, 186, 225	258	378	386, 391, 429	430
72	A bill to authorize the State of Michigan to make improvements on the St. Joseph's river, and for other purposes, - - - - -	157	265	280	323	340	357
73	A bill for the preservation of sheep, - - - - -	159		183	444	478	497
75	A bill to authorize the State Bank of Indiana to issue notes of a less denomination than five dollars, - - - - -	160	184, 744, 746, 761, [764	764			
76	A bill for the relief of Mason M. Marion, - - - - -	163	184				
77	A bill to prevent the spreading of the disease commonly called the glanders, among horses, - - - - -	163	184	191	291	340	357
78	A bill providing for the payment of the Bank debt, - - - - -	165	259, 274, 288, 493, [495	500	643	643, 644, 789, [824, 829	831
79	A bill to prohibit the making, issuing, or circulating of small notes or bills, - - - - -	165	184, 192	215	388	411, 429	430
80	A bill to incorporate the Connersville Musical Institute, - - - - -	170	184	191	323	340	357

81	A bill to revive the President and Trustees of the Du- bois County Seminary, - - -	170 184	191	213 262, 266	267
82	A bill defining the duties of petitioners for re-locating seats of justice, and for other purposes, - - -	170 184, 191, 216	374	551 600, 623	649
83	A bill to amend an act entitled an act to provide for the public printing, and for the distribution of the laws and journals, approved Feb. 16, 1839, - - -	170 191, 294, 314			
84	A bill to establish a State road from the house of Wm. Mitchell, in Noble county, to Auburn, in De Kalb county, - - -	170 191			
85	A bill to establish a State road from Lagrange, in La- grange county, to Northport, in Noble county, - - -	170 191			
86	A bill to establish a State road from Auburn, in De Kalb county, to the saw mill of William Cochran, in Lagrange county, - - -	170			
87	A bill for the relief of Marshall S. Wines, - - -	178 191, 216	479	534	550
88	A bill to authorize the transportation of the mail over the bridges upon the Madison and Indianapolis Rail Road, - - -	178 191	215		
90	A bill to amend an act entitled an act to authorize Daniel J. and Isaac Hancock, to build a toll bridge across South Hogan, - - -	182 192, 222	280	444 477, 478	497
91	A bill to amend an act entitled, "an act to incorporate the Patriot Silk and Trading Company, - - -"	182 192			
92	A bill requiring the Commissioners of the White river bridge, to make a settlement, - - -	183 192	215		
93	A bill to amend the act entitled an act to regulate ge- neral elections, - - -	186 216, 228, 280	281		

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reprs.	Passed Senate.	Other proceedings.	Approved.
94	A bill to regulate the receipt and disbursement of the internal improvement funds, - - -	137 228, 231		284	444 534		550
95	A bill to provide for the selection of grand and petit jurors, - - -	187 229		383	444 477, 478		497
96	A bill to vacate a part of the town of Bowling Green, in Clay county, - - -	187 229		258	388 401, 402		403
97	A bill to incorporate the Wabash and Maumee Canal Company, - - -	187 259		383	444 723		747
98	A bill regulating the taking up of estrays and water crafts, and other articles of value adrift, - - -	188 259		284	760 796, 821, [826,		830
99	A bill to prevent speculation by collectors in Treasury Notes, - - -	190 229, 249, 285		287	650 723		747
100	A bill to provide for the payment of interest on the public debt, - - -	190 228, 274, 288, 424, [438, 439, 442, 447		450	552 647		659
101	A bill to change the time of the annual meeting of the legislature, - - -	190 229		611			
102	A bill to amend an act entitled an act for the prevention of frauds and perjuries, - - -	190 259					



103	A bill to provide for the revision of the laws,	190 259, 285, 286	297	551 600, 623	649
104	A bill to authorize Thomas L. Hinde to establish a ferry therein named,	191 259	284	388 401, 402	403
105	A bill to amend an act entitled an act relative to State roads, in Parke county,	191 260	284	323 341	357
106	A bill to authorize probate judges to issue writs of habeas corpus, and proceed to trial thereon,	191 260	284	388 402	403
107	A bill to amend an act authorizing the appointment of Pilots at the Falls of the Ohio,	191 260, 287	456	551 658, 723	724
108	A bill for the relief of debtors to the State,	195			
109	A bill to authorize the destruction of Treasury Notes, redeemed,	197 260			
110	A bill to amend an act organizing the Supreme Court, and defining its powers and duties, approved Feb. 1838,	214 260	287		
111	A bill to change a part of the State road from Laurel to Brookville, in Franklin county,	224 261			
112	A bill to charter the Terre Haute Cavalry Company,	226 261	446	650 749	771
113	A bill for the relief of late collectors of the county of Harrison,	226 261	287	444 477	497
114	A bill to authorize William L. McKinney a minor, to sell certain real estate therein named,	226 261, 326	372	570 621	620
115	A bill to amend the act incorporating the town of Columbus, in Bartholomew county, approved Feb. 6, 1839,	226 261			
116	A bill to extend to the settlers on the Wabash and Erie Canal lands, the benefits of an act entitled, "an act for the relief of settlers on the Wabash and Erie Canal Lands," approved Feb. 24, 1840,	226 262	372	669 671, 749	771

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
117	A bill to confirm to Nathaniel West a certain lease of water power therein named, - - -	231 262,	287, 312	313	643 644,	749	771
118	A bill to amend an act entitled, "an act to incorporate the town of Indianapolis in the county of Marion," approved February 17, 1838, - - -	231 233		314	570 621		620
119	A bill regulating the salaries of Auditor, Treasurer, and Secretary of State, - - -	235 238,	475, 476, 473,	489	643 600,	622	648
120	A bill to provide for Keeper of the State House and Library, - - -	235 476,	490 [476	516	537 568		620
121	A bill to amend an act entitled an act to authorize the loaning of the College Fund, - - -	235 476		490			
123	A bill to change the names of certain persons therein named, and for other purposes, - - -	241 233,	314				
124	A bill to abolish imprisonment for debt, and subject chases in action to execution, - - -	241 233,	490, 491, 538				
125	A bill to authorize the Board doing county business in Spencer county, to increase the number of places of holding elections in said county, - - -	241		314	570, 621		620

126	A bill to amend an act to regulate the jurisdiction and duties of justices of the Peace, approved Feb. 17, 1835,	242	314				
127	A bill to authorize the sale of the Asylum for the poor, in the county of Harrison,	242	314	749			771
128	A bill to incorporate the Euturpeian Band of South Bend,	242	382	451	497		506
129	A bill for the incorporation of the Bristol Manufacturing Company,	245	374	444	496		506
130	A bill to amend an act entitled an act to incorporate the Marion Fire Engine Company,	245	374	480	600,	622	649
131	A bill for the relief of Edward H. Jacot,	248	337	795	826		830
132	A bill to abolish capital punishment,	252	335	373			
133	A bill to authorize William Mumford to build a bridge over the Wabash river,	253	365	383	411	477	497
134	A bill for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana,	253	273				
135	A bill to provide for the settlement of disputed claims on the public works,	258	778	795	801,	804,	817
136	A bill to make Treasury notes receivable for canal lands,	264					831
137	A bill to provide for the assessment and collection of State revenue in the county of Spencer for the year 1837, and also to provide for the assessment and collection of the State revenue, in the county of Cass, due for the year 1839,	264	325,	373,	810		
138	A bill for the relief of Elizabeth King,	265					830

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
139	A bill authorizing an additional justice of the peace and constable in Jackson township Putnam county, -	273 318		329	644	749	771
142	A bill to amend an act subjecting real and personal estate to execution, approved Feb. 4, 1831, -	274 318, 394					
143	A bill to incorporate the Greensburgh steam-mill and manufacturing company, in Decatur county, -	274 329		374	650	787	794
144	A bill to amend the act subjecting real and personal estate to execution, approved Feb. 4, 1831, -	274 329					
145	A bill to distribute the school funds and for other purposes in Perry county, -	274 329		340	378	402	403
146	A bill concerning petit jurors in certain counties therein named, -	274 329, 373		373			
147	A bill to repeal the 103rd section of an act therein named, so far as relates to Perry county, -	274 329		340	388	402	403
148	A bill to amend an act for the regulation of the State Prison, approved Feb. 17, 1838, -	280 371, 375, 418, 423		459	643	644, 658, 748	771
149	A bill to enable the Treasury to meet the current de-						

mands for the civil list growing out of the deficit of 1840, - - - - -	291 331		340	643 600, 622	649
150 A bill for the relief of the Miami and other Indians, -	291 331		340	498 549, 568	621
151 A bill giving further time to the borrowers of the sinking fund, the surplus revenue, and for other purposes, - - - - -	294 314, 426				
153 A bill for the relief of Cinderella Hooker, - - - - -	297 331		340	644 749	771
153 A bill for the relief of Elmira Garner, - - - - -	298 331		340	644 749	771
154 A bill providing for draining the swamps, ponds, marshes, and other low lands within the county of Spencer, - - - - -	298 331		340	411 496, 505	506
155 A bill for the re-location of the seat of justice in Blackford county, - - - - -	298 331, 374		383	537 600, 623	649
156 A bill for the relief of school district No. 3, in township No. 6, south of range No. 10 west, in Vanderburgh county, - - - - -	298 331		340	444 496, 505	506
157 A bill to define the boundary line between the counties of Clark and Floyd, - - - - -	299 331		340	451 477	497
158 A bill to incorporate the Columbus and Driftwood bridge company, approved Feb. 8, 1839, - - - - -	299 331		340	644 749	771
159 A bill to incorporate the town of Carlisle in Sullivan county, - - - - -	300 331		417	480 658, 723	724
160 A bill to value the property of the State, - - - - -	306 385, 389, 404, 408		510	645 787	794
161 A bill prescribing the duties of county auditor, - - - - -	306 385, 389, 404, 408, [410, 435		510	651 787	822
162 A bill for the election of county assessor, - - - - -	306 385, 389, 404, 435		511	651 749, 751	771
163 A bill prescribing the duties of county treasurer, - - - - -	306 385, 389, 404, 435		512	651 787	794
164 A bill pointing out the mode of levying the taxes, - - - - -	306 385, 389, 404, 437		513	651 652, 653, 787	794

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
165	A bill to tax the individual stock in the several branches of the State Bank of Indiana,	306 385,	389, 404, 438, [656]	740	813	825	830
166	A bill levying a tax for State and Internal Improvement purposes,	306 385,	389, 404, 438 [628, 659, 668]	669	787		823
167	A bill to revise and amend an act incorporating congressional townships and providing for public schools therein, approved Feb. 17, 1838,	310 459,	461, 504	505	669	671, 679, 692, [825]	831
168	A bill to amend an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress approved June 23d 1836,	310 332,	426, 443, 469, [314, 470, 483, 518, 523]	523	797	799, 800, 810, [798, 811, 815, 816, 817, 818, 825]	832
169	A bill legalizing the acts of William G. Thomas school commissioner of Spencer county, and for other purposes,	310 331		340	431	477	497
171	A bill declaring a certain name therein a misprint, and for other purposes,	314 331,	575, 611	778	813	826, 827	830

172 A	bill to amend an act to create the office of Private Secretary to the Governor, - - - - -	314	331, 337, 372	372		747
173 A	bill to incorporate the trustees of the Daviess county seminary, - - - - -	314		372	498 723	
174 A	bill to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress approved 23d June, 1836, - - - - -	314	331, 332			
175 A	bill to amend the act regulating the duties of justices of the peace, approved Feb. 17, 1838, - - - - -	314	332, 394			
176 A	bill to amend an act for the relief of John Rodolph Fischli, approved Feb. 13, 1839, - - - - -	314	332, 379	416	451 496	506
177 A	bill for the relief of owners of Indian reservations, - - - - -	314	332, 381	416	795 826, 827	830
178 A	bill to provide for the redemption of Treasury notes now in circulation, and for the payment of contractors on the Wabash and Erie canal, - - - - -	325	375, 628, 659			
179 A	bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State, - - - - -	327	375, 545	545	568 600, 622	649
181 A	bill to appropriate certain moneys therein named, - - - - -	329		372	444 477	497
182 A	bill to confirm to John and Comegys certain water power therein named, - - - - -	329	375, 394	417	537 600, 633	648
183 A	bill to amend an act subjecting real and personal property to execution, app. Feb. 1831, - - - - -	329	375			
184 A	bill to amend an act entitled an act subjecting real and personal property to execution, approved Feb. 4, 1831, - - - - -	329	375	383	444 477	497
185 A	bill declaring Patoka a public highway, - - - - -	329	376	383	431 497	506

BILLS OF THE HOUSE OF REPRESENTATIVES.—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reprs.	Passed Senate.	Other proceedings.	Approved.
186	A bill to modify the system of Internal Improvements,	338					
187	A bill to authorize Obediah Jones to build a mill dam across the Mississinewa river in the county of Grant, . . . . .	339	376	383	644	748	771
188	A bill defining the duties of supervisors in road districts through which the Michigan road passes, . . . . .	339	376, 413				
189	A bill in relation to school moneys deposited with the superintendent of the Loan office, . . . . .	345	376	548	650	749	771
190	A bill to amend the 17th section of an act to provide for a general system of Internal Improvements, app. Jan. 27, 1836, . . . . .	347	376	383			
192	A bill to amend an act entitled "an act authorizing domestic attachments and regulating proceedings therein, approved Jan. 19, 1831, . . . . ."	361	384	417			
193	A bill to provide for the completion of that portion of the Cross-Cut Canal which lies between the feeder dam and Terre-Haute, . . . . .	364	384, 395	417	536	550	550



194	A bill to protect lands mortgaged to the State from forfeiture for the non-payment of corporation taxes,	365	384	417	758	824, 829	831
195	A bill for the relief of the securities of Andrew Martin, collector of the state and county revenue of Daviess county for the year 1839,	365		365	377		403
196	A bill for the benefit of John Lynch,	366	385, 413				
197	A bill to relocate a part of a state road in Boon county,	366	385				
198	A bill to repeal an act vacating a part of the town of Milford in the county of Kosciusko, approved Jan. 22, 1840,	366	385	417	644	824, 828	831
199	A bill to relocate the county seat of Sullivan county,	366	385, 563	564	795	804, 805, 813	830
200	A bill to amend an act entitled "an act for the formation of the county of Blackford," approved Feb. 15, 1838,	367	385				
201	A bill for the location of a state road in Carroll county,	367	385				
202	A bill to classify the public works,	381	476, 506, 507, 536, [543, 544, 564.				
203	A bill to modify the system of Internal Improvements,	382	545, 564, 565	443			
204	A bill for the relief of Azor Charles,	382	424				
205	A bill defining the manner of electing Senators and Representatives in the counties of Hancock and Madison,	386	424				
206	A bill to amend an act entitled "an act to incorporate the Liverpool Bridge Company,	386	396	417	480	600, 622	648
207	A bill to incorporate the Trustees and parsonage of Brookville Circuit Methodist Episcopal Church,	386	395	417	498	749	771
208	A bill to amend an act entitled "an act to fix the times						

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
	of holding courts in the 5th judicial circuit, approved Jan. 30, 1840, . . . . .	389					
209	A bill to change the mode of selecting petit jurors in Brown county, . . . . .	393		394	646	658	747
210	A bill for the location of a state road in the counties of Harrison and Crawford, . . . . .	397	425	443	451	477	497
211	A bill to incorporate the town of Mooresville in Morgan county, . . . . .	397	425, 445	459	650	210, 787	794
212	A bill relative to the vacating of Spring street in the town of Covington in Fountain county, . . . . .		425	459	479	600, 622	648
213	A bill to establish permanent corners to the streets, alleys and lots in the town of Corydon, . . . . .	398	426	459	479	600, 622	649
215	A bill respecting the Richmond and Brookville Canal stockholders, . . . . .	398	426				
216	A bill to locate a certain state road in the counties of Fountain and Warren, . . . . .	401	425				
217	A bill to disperse with records in certain cases and to authorize amendments in pleading, . . . . .	412	460, 481, 482	501			

218	A bill repealing the 5th section of an act incorporating the Leesburgh School Society, . . . . .	414	466	470	529	600, 622	648
219	A bill concerning a state road, . . . . .	415	460, 461	611	646	658	
220	A bill to change the name of the town of Milford in Warren county, . . . . .	415	460	470	529	600, 622	648
221	A bill to amend an act incorporating the Seminary in the county of Gibson and for other purposes, approved Jan. 21, 1826, so far as relates to the Orange county Seminary, . . . . .	426	445	459	758	822	823
222	A bill to provide for the payment of the debt due the Branch at Evansville of the State Bank of Indiana, . . . . .	427	466	501	681	749	771
223	A bill to legalize and give effect to certain official acts of the late clerk of the Floyd circuit court, . . . . .	427		459	479	600, 622	649
224	A bill to amend an act entitled an act to provide for the election of an additional justice of the peace and constable in Morgan township in Harrison county, . . . . .	427		466	498	600, 622	649
226	A bill to amend an act for the relief of the poor, approved February 17, 1838, so far as the same relates to Marion county, . . . . .	427	466	466	498	600, 622	649
227	A bill supplemental to an act subjecting real and personal property to execution, approved February 4, 1831, . . . . .	416	460, 461, 462, 465, [471, 472, 489, 491, [493.	493	737	758, 759, 791	823
230	A bill to legalize the election of Probate Judge in Kosciusko county, . . . . .	428		466	479	600, 622	
231	A bill providing for the opening and repairing public roads and highways in the county of Monroe, . . . . .	428	466, 515	532	568		620
233	A bill to repeal an act entitled an act to repeal a cer-						

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
234	tain act in Dearborn county therein named, approved Feb. 5, 1839, . . . . .	428	482, 495	501	754	825, 839	831
236	A bill authorizing the survey of a canal from Peru to the head of Salt river and the Eric and Michigan Canal, . . . . .	430	495, 566	581	645	748	771
237	A bill amendatory of an act locating a state road, . . . . .	430	495	501	530	600, 621	620
238	A bill to repeal the 14th section of an act entitled an act in relation to state roads, approved February 24, 1840, . . . . .	430	495				
239	A bill to incorporate the Knox county Savings Institution, . . . . .	430	501, 780				
240	A bill prohibiting the sale of state bonds for internal improvement purposes on time, . . . . .	430		501			770
241	A bill for the relief of John Eldon, . . . . .	430		526	646	749	
242	A bill to authorise the citizens of Clay county to drain the round pond, . . . . .	430		501	646	658, 723	724
	A bill for the relief of Edmond Clark, collector of Hendricks county, . . . . .	433		433	451	496	506

243	A bill repealing an act regulating the jurisdiction of justices of the peace, in Madison county, approved Feb. 17, 1838,	433	480 600, 623	433	480 600, 623	648
244	A bill for the relief of J. B. Moulden, George D. Prentice, and George W. Weisenger, contractors, &c.	433	473	473		
246	A bill to amend an act entitled, "an act to amend the several acts of this State relative to taking up animals going astray, and water crafts and other articles of value afloat, approved Feb. 24, 1840,	435	502	455	466 496	506
247	A bill to remove the disability of Anna Maria Gile,	454				
248	A bill to authorize the citizens of Montgomery and Putnam counties, to open a part of the New Albany and Crawfordville Turnpike road therein named,	456	502	526	568 621	620
249	A bill to amend an act authorizing the sale of certain school lands therein named, and for other purposes, approved Jan. 1, 1838,	456		456	479 534	550
250	A bill fixing the times of holding Courts in the eighth judicial Circuit,	459		459	537 568	520
251	A bill to extend the time of payment to purchasers of school lands in Randolph county,	459		459	754 824, 829	831
252	A bill changing the time of holding Courts in the third judicial Circuit,	459		459	551 600, 622	
253	A bill to classify the public works,	459	502, 503, 504			
254	A bill providing for an additional term of the Circuit Court, in Delaware county,	459		459	480 600, 622	648
256	A bill to amend an act entitled an act providing for the recording of mortgages for personal property, approved Feb. 17, 1838,	459		459		

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
256	A bill for the relief of the heirs of John Sawyer, deceased,						743
257	A bill for the relief of George D. Moore, of Randolph county,	468		468	650	723	648
258	A bill fixing the times of holding courts in the fourth judicial circuit,	470	484	484	754	749	747
259	A bill to secure the safety of the public funds, by requiring bonds of certain officers,	487	527	532	684	758, 824, 829	831
260	A bill to change a State road in Putnam county,	483	527				
261	A bill to establish a State road from Mount Pleasant, in Martin county, to Rockport, in Spencer county,	484	502	526			
262	A bill to re-locate the Rockport and Bloomington State road, in Martin county,	485					
264	A bill to incorporate the town of Wilmington, in Dearborn county,	486	517	527	645	748	770
265	A bill to change the time of holding probate courts, in Davies county,	487	527	532	650	787	822
266	A bill to amend an act to organize probate courts and	487	527	532	569	621	620

267	A bill defining the powers and duties of executors, administrators and guardians, approved Feb. 17, 1838, relative to the will of the late George Boon, of Sullivan county,	487 527			538	569 621	620
268	A bill for the relief of Alexander Beard,	487			532	685 748	770
269	A bill relative to the organization of the Shelbyville Independent Rifle Company,	487 526			532	643 600, 622	648
270	A bill regulating the times of holding Courts in the county of Madison in the 11th judicial circuit,	487			487	529 600, 622	648
271	A bill extending the boundaries of Martin county,	487 528,	533, 536, 782,				
272	A bill to provide in part for the redemption of Treasury Notes,	487 545	[783				
273	A bill to provide for the better regulation of the Indiana University,	499 545,	613				
274	A bill to incorporate the Philoethian Society, in Jefferson county,	514 545			563	646 723	747
275	A bill for the relief of Andrew Wilson,	514 571			611	752 825	831
276	A bill for the organization of Macomb county,	517 546					
277	A bill to vacate a certain State road in Tippecanoe county,	524			546	569 621	620
278	A bill for the benefit of Adam E. Rhodes,	524 546			563	643 600, 623	648
279	A bill to authorize the erection of a mill-dam across Eel river, in Wabash county,	525 546			563	643 809, 825, 827	830
280	A bill attaching Sprinkleburg and Mount Prospect to the town of Newburg, in Warrick county, and for other purposes,	525 546			546	569 621	620
281	A bill to incorporate the Indianapolis Band of Musicians,	525 574			611	758 824	831

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
282	A bill providing for the location of a State road, and for other purposes, - - - - -	525		547	569	621	620
283	A bill declaring certain names in the act, locating a State road from Washington to Portersville, a misprint, - - - - -			547	569		
284	A bill to provide for the appointment of a Fund Commissioner, and for other purposes, - - - - -	531	765				
285	A bill to provide for the appointment of a special agent to collect the suspended debt, - - - - -	531	740, 741, 742, 743	744	789	790, 806, 822	822
286	A bill to change the name of Benton county, to that of Tipton, - - - - -	531	579				
287	A bill to incorporate the town of Cambridge City, in Wayne county, - - - - -	531		611	758	759, 794	822
288	A bill to incorporate the Jonesborough Bridge Company, - - - - -	532		611	758	809	831
289	A bill attaching certain territory therein named to Jasper county, - - - - -	541	564, 574	581	645	749	770
290	A bill to locate a State road from A. Makepeace's						



mill in Madison county, to Muncietown, in Delaware county, - - - - -

291 A bill providing for the appointment of a Superintendent of common schools, and prescribing his duties, 541

292 A bill to re-locate a part of a State road therein named, 542

294 A bill to incorporate the Preacher's Aid Society, 548 565, 617

295 A bill to amend an act entitled an act to incorporate the city of Richmond, in Wayne county, approved Feb. 24, 1840, - - - - - 548 565, 617

296 A bill to establish a State road therein named, 548

297 A bill to classify the public works, - - - - - 548 549

298 A bill to amend an act entitled an act concerning enclosures and trespassing animals, approved Feb. 17, 1838, - - - - - 549 565

299 A bill to amend an act to incorporate the town of Jeffersonville, approved Feb. 22, 1840, - - - - - 549 565, 618

300 A bill to classify the public works, - - - - - 554 554, 562, 582, 585

301 A bill to vacate a State road in the counties of Elkhart and Kosciusko, - - - - - [609, 611

302 A bill extending further time to the borrowers of the Sinking Fund, - - - - - 565 778

303 A bill respecting license for retailing spirituous liquors in the city of Richmond, - - - - - 566 623

304 A bill to amend an act regulating the fees and salaries of the several officers and persons therein named, approved Feb. 7, 1831, - - - - - 566 623, 782

305 A bill to amend an act to provide for the distribution of the laws and journals, and for other purposes, approved Feb. 10, 1831, - - - - - 566

581 644 748 770

542 569 621 620

656 758 787 794

656 569 621 620

581 650 748 770

629 658 747

656 685 749 770

623 795 824, 829 831

BILLS OF THE HOUSE OF REPRESENTATIVES.—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
306	A bill to incorporate the Livonia Band of Musicians,	567	617		758	821	823
307	A bill fixing the per diem allowance of members of the General Assembly, - - -	566	623, 625, 674, 675				
308	A bill to authorize William Patterson to sell certain lands and real estate, - - -	571		571			
309	A bill to provide for running the cars on the Madison and Indianapolis Rail road, - - -	571					
310	A bill to amend an act entitled an act regulating the interest of money in the State of Indiana,	571	656				
311	A bill to amend an act entitled an act subjecting real and personal estate to execution, approved Feb. 4, 1838, so far as relates to Gibson county, - -	571					
312	A bill to incorporate the Hagerstown Canal Company,	573	657		721	819	831
313	A bill to amend an act entitled an act to amend an act, to provide for draining Lost creek, in Vigo county, - - -	575			612	752	824, 829
313	A bill to provide for the election of an additional jus-						831

314	A bill relative to lands returned to the school commissioners of Laporte county, - - -	576	669 749	657	770
316	A bill concerning the debt due from the State to the State Bank, - - -	576 656	753 824, 829	721	
317	A bill to amend an act entitled an act relative to crime and punishment, approved Feb. 10, 1831, - -	581 644	647 748	611	770
318	A bill to amend an act entitled an act regulating debts, distribution and dower, approved February 17, 1838, - - -	580		740	
319	A bill to amend an act entitled an act regulating the practice in suits at law, approved January 29, 1831, -	613 722		740	
320	A bill to amend an act to provide for the partition of real estate, approved Feb. 1, 1831, - - -	613 722		740	
324	A bill for the relief of Thomas Nichols, - - -	631	795 826	656	830
325	A bill to locate a State road in Sullivan county, -	633	658 748	633	770
326	A bill to incorporate the Marion and Wabash turnpike company, - - -	633 672		672	831
327	A bill for the relief of the Hancock county library, -	634	658 748	634	770
328	A bill to incorporate the town of Connersville, -	634	758 809	673	831
330	A bill to locate a State road therein named, -	640		642	771
331	A bill for the relief of A. B. Coleman, - - -	642	658 748	642	
332	A bill concerning petit jurors in certain counties therein named, - - -	642	685 758	656	831
333	A bill in relation to the jurisdiction of justices of the peace in Posey county, - - -	642	658 749	642	771
334	A bill to vacate so much of Tompkins street as lies north of Mechanics street in Shelbyville, -	642 813			

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
335	A bill to provide for the election of an additional justice of the peace in Bluffton in Wells county, -	642		642	658	749	771
336	A bill to amend the laws subjecting real and personal property to execution, -	642	723				
337	A bill supplemental to the 13th section of an act subjecting real and personal property to execution, approved February 4, 1831, -	643	686	637			
338	A bill to extend further time to the borrowers of the school funds in this State, -	643		765			
339	A bill to legalize the meetings of the trustees of the Lagrange Collegiate Institute, -	643		643	685	748	771
340	A bill to vacate a part of a State road therein named, -	655		655	685	824, 829	831
341	A bill to incorporate the Lagro and Manchester turnpike company, -	655	672	712	797	824, 829	831
342	A bill for the relief of the borrowers of the surplus revenue in the several counties in this State, -	656	766				
343	A bill to repeal part of an act incorporating the town of Indianapolis, -	673		766	797	822	823

345	A bill for the relief of John H. Hopper of Hancock county, -	678	808			
346	A bill to declare Mud creek and Mill-fork of Eel river public highways for certain purposes therein named, -	678	692	748		771
348	A bill to change certain State roads therein named, -	679	692	749		771
349	A bill to repeal an act entitled an act regulating the jurisdiction of justices of the peace in the county of Hamilton, approved Feb. 13, 1840, -	679	692	748		771
351	A bill to provide for the further Prosecution of the Madison and Indianapolis rail-road, -	680	766, 767, 768		819, 821, [826	831
352	A bill to locate and change the name of a certain state road therein named, -	680	692	749		771
353	A bill supplementary to the act entitled an act to authorize the building of a bridge across Laughery creek in Ripley county, -	680				
354	A bill relative to the White-water canal, -	680	768			
355	A bill giving to plaintiffs an election to bring suit on forfeited delivery bonds, or to pursue their remedy further by execution at their election, -	681	768			
356	A bill to incorporate the Portage bridge company, -	681	807			
357	A bill supplemental to an act entitled an act pointing out the mode of levying the taxes, -	681	807			
358	A bill authorizing purchasers of the Wabash and Erie canal lands to pay interest thereon, -	681				
359	A bill to establish certain roads therein named, and for other purposes, -	691				
360	A bill providing for the payment of the debt due the State Bank, and for the redemption of Treasury notes, -	691				
		721	797	825, 829		831
		807	818	826, 827		831
		765	806			

BILLS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reps.	Passed Senate.	Other proceedings.	Approved.
362	A bill to provide for completing the bridge across the Walnut fork of Eel river, . . .	693	307				
363	A bill to amend an act entitled an act regulating prisons and prison bounds, . . .	693					
364	A bill to prevent frauds in elections, . . .	693	303				
365	A bill supplemental to an act entitled an act fixing the times of holding courts in the eighth judicial circuit, . . .	693					
367	A bill for the relief of Clemments and Roddick, contractors on the Southern division of the Central canal, . . .	736	792, 303	693	813	822	823
368	A bill making specific appropriations for the year 1841,	760	738	789	811	811, 812, 820	
369	A bill to provide for the payment of the debts contracted by the late mayor and common council of the town of Lafayette under the charter of said town, approved Feb. 4, 1837, . . .	772		772	789	824, 829	831
372	A bill defining the manner of selecting petit jurors in Hancock county, . . .	773		773	789	789, 822	

374	A bill for the relief of Eli Davis,	778	818	826, 827	830
375	A bill to repeal the 103d and 104th sections of an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838, so far as relates to Monroe county,	781			
377	A bill to amend an act entitled an act regulating the practice at law,	793	812		
378	A bill to amend an act entitled an act to establish a State Bank, approved January 28, 1834,	793			
382	A bill making general appropriations for the year 1841,	800	818	825, 827	830
383	A bill supplemental to an act for the relief of Andrew Wilson, passed at the present session of the General Assembly,	805	820	825, 827	830
384	A bill allowing further time for the assessor of Lawrence county to complete his assessment,	806	818	826, 827	830
386	A bill to locate a State road,	806	818	826, 827	830
389	A bill supplemental to an act making specific appropriations for the year 1841,	817	819	825	830
					875

BILLS FROM THE SENATE.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed H. R.	Other proceedings.	Approved, see Senate Journal.
1	A bill for the relief of Cecil Brandt, - - -	74	92	101	136	
2	A bill for the relief of John S. Reed, - - -	74	92	102	116	
3	A bill to equalize the judicial circuits in the State of Indiana and for other purposes, - - -	207	260, 288, 311, 327	355	377	
4	A bill for the relief of the collector of Laporte county, - - -	74	92			
5	A bill to repeal an act entitled, "an act to provide for a more uniform mode of doing township business in the county of Randolph," approved Jan. 21, 1839, - - -	86		132	172	
8	A bill fixing the times of holding probate courts in Marion county, - - -	106	133	133	162, 171	
9	A bill for the establishment of a certain state road therein named - - -	116	135			
10	A bill concerning clerk's fees, - - -	106	133, 197			
11	A bill to amend the act entitled, an act to incorporate county libraries," app. Feb. 17, 1838, - - -	106	134	143	162, 171	
12	A bill to repeal certain acts therein named so far as they relate to Carroll county, - - -	207	261	280	290, 311	



15 A bill regulating the jurisdiction of justices of the peace in Fountain county, - - - - -	137	158	170	193, 213
18 A bill to extend the provisions of certain acts therein named to the county of Grant, - - - - -	148	172	184	216
19 A bill to amend an act to provide for the opening and repairing of public roads and highways in Gibson county, app. Feb. 17, 1838, - - - - -	148	172, 199	215	262, 266
23 A bill to vacate the town of Harrison in Delaware county, - - - - -	178		215	216, 247
24 A bill to incorporate the St. Gabriel College, - - - - -	185	216, 252	280	319
25 A bill to amend an act entitled an act subjecting real and personal estate to execution, approved February 4, 1831, - - - - -	185	216, 276, 376, 413	226	479, 530, 586, 595
26 A bill for the relief of William H. Evans, - - - - -	185	216	226	246, 247, 262
28 A bill to amend an act to incorporate the town of La-porte, approved Feb. 18, 1839, - - - - -	263	374	396	467
29 A bill to establish a ferry therein named, - - - - -			396	
30 A bill to amend an act entitled "an act regulating grist mills and millers," app. Feb. 10, 1831, - - - - -	185	216	227	246, 263
31 A bill to authorize the Governor of this state to order a special election for Representatives in Congress, - - - - -	323	374	383	429
33 A bill to enforce the payment of tolls on the public works, - - - - -	194	260	280	319
34 A bill to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, app. Feb. 17, 1838, - - - - -	358	384	393	467
36 A bill for the relief of John Brookbank of Carroll county, - - - - -	178	222, 376	413	442
37 A bill to amend an act entitled an act subjecting real				

BILLS FROM THE SENATE—Continued.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed H. Reps.	Other proceedings.	Approved, see Senate Journal.
	and personal estate to execution, approved Feb. 4, 1831,	194	261	280	319	
38	A bill further to regulate the duties of clerks, justices of the peace and school commissioners, - - -	323	374, 382	373	402	
40	A bill to incorporate the Princeton Musical Institute, - - -	230	262			
44	A bill to amend an act entitled an act to provide for Public Printer and for the distribution of the laws and journals, app. Feb. 16, 1839, - - -	263	315, 317, 318, 367, } 371, 383, 398, } 399, 400. }	401	442	
45	A bill for the apportionment of Senators and Representatives in the General Assembly of the State of Indiana, - - -	242	267, 8, 9, 70, 1, 2	272	281, 282, 289, } 290, 299, 387 }	
48	A bill to secure to the owners of land upon which the public works have been suspended the use of the same, - - -	282	331	341	377	
55	A bill to modify the system of Internal Improvements, - - -	498	499, 693, 702			
57	A bill to provide for the improvement of the Michigan Road, - - -	758		760	793	

58	A bill to authorize John Brown to invest certain money in bank stock for the use of heirs,	479	527	515	599
59	A bill to repeal part of an act entitled an act relative to the New-Albany and Vincennes McAdamized Road and for the better regulation thereof and for other purposes, app. Feb. 22, 1840,	322	375	383	429
60	A bill to incorporate the Indiana Iron Manufacturing Company,	388		395	
62	A bill to suspend operations on the public works on account of the state until they shall be classed, &c.,	586	586, 594, 602, 609	639	669, 670, 671, 809
63	A bill in relation to tolls upon the public works in Indiana,	388	424	516	550
68	A bill to authorize the board doing county business in Switzerland county to establish a bridge over Indian creek in said county,	388	389, 424	445	478
69	A bill relative to officers of State and the Governor's House,	388	389, 424, 425	443	478
70	A bill to amend an act entitled an act to incorporate the town of Newcastle in the county of Henry, app. Feb. 6, 1839,	390	425	443	478
72	A bill to fix the times of holding Probate Courts in Fayette county,	322	375	383	429
73	A bill to amend an act entitled an act for the encouragement of agriculture, app. Feb. 7, 1835,	444	389	526	550
75	A bill to locate a state road therein named,	388			
76	A bill to authorize the associate judges in the county of Ripley to hold a probate court,	365		365	387
77	A bill for the creation of a school district therein named,	388	389, 425		

BILLS FROM THE SENATE—Continued.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed H. Reps.	Other Proceedings.	Approved, see Senate Journal.
78	A bill to amend the act authorising the seizure of boats and other vessels for debt, approved February 17, 1838,	391	425, 426	513	519	
79	A bill to authorize school commissioners to refund money in certain cases therein named,	388	389	468	534	
81	A bill to regulate the times of holding courts in the several counties in the 9th judicial circuit,	372		385	429	
82	A bill to incorporate the Logansport Trading and Manufacturing company,	411		411	496, 599	
82	A bill to authorize Enos Blair former collector of Monroe county yet to collect any taxes remaining due and unpaid for the years 1836, 1837 and 1838,	498	515	562	599	
83	A bill to amend an act entitled an act incorporating congressional townships and providing for public schools therein, app. Feb. 17, 1838,	529	547, 614			
84	A bill for the relief of Henry Goode of the county of Boone,	529	547	562	599	
85	A bill to change a state road therein named,	529		547	599	

86	A bill to authorize the Seminary Trustees of Randolph county to borrow money and for other purposes, -	529	547	563	599
87	A bill for the relief of Orson Willard, -	529	547, 572	611	724
90	A bill to amend an act relative to crime and punishment, app. Feb. 10, 1831, -	431	501, 526	628	681
91	A bill to incorporate the Orleans Band of Musicians, -	479		545	599
92	A bill to amend an act amendatory to an act entitled, "an act concerning the Seminary Townships of land in Gibson and Monroe counties, approved January 25, 1837, -	551		623	724
93	A bill to regulate the time of holding courts within the 2d judicial circuit of the State of Indiana, -	529	564	581	724
94	A bill for the relief of Micajah Barkley, -			526	550
95	A bill regulating the times of holding courts in the first judicial circuit, -	388	389	468	534
97	A bill concerning the late mayor of the town of Lafayette, -	647		647	722
98	A bill relative to the Surplus Revenue of the United States allotted to Carroll county, -	651		651	754
99	A bill relative to the duty of the agents of the Surplus Revenue and for other purposes, -	798			
101	A bill to amend the act entitled, "an act to incorporate the City of New Albany, and to repeal all laws now in force incorporating said town," approved Feb. 14, 1839, -	529	574	612	724
102	A bill for the relief of James Horney, administrator of the estate of John Myers, deceased, -	529	538		
103	A bill to authorize the Recorder of Cass county to correct his records in a certain case therein named, -	529			582

BILLS FROM THE SENATE—Continued.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed H. Reps.	Other proceedings.	Approved, see Senate Journal.
105	A bill to extend a certain street in the town of Bloomington, and for other purposes, - - -	431	501	526	549	
106	A bill to revive an act authorizing Thomas Goudy to build a dam across Eel river, in Wabash county, and repeal an act repealing the same, - - -	431	784	627	681	
107	A bill for the relief of David Stiver, - - -	627				
108	A bill to re-locate a part of a certain State road there-in named, - - -	529			547	599
110	A bill to amend an act entitled an act to regulate the mode of doing county business in the several counties in this State, - - -	444			526	550
113	A bill to amend an act attaching Decatur county to the sixth judicial circuit, and for other purposes, approved Feb. 12, 1840, - - -	551			551	599
115	A bill for the relief of Ann Gertrude Brick, and Adam and Maurice Brick, - - -	570	722	739	824,	829
116	A bill for the relief of Joseph H. Hendricks, - - -	498	515, 721	722	752, 760, 787,	791, [796]

120	A bill relative to the counties in the third judicial circuit,	452	526, 545	
122	A bill to provide for the distribution of the school fund, in Jackson county,	570		
123	A bill to amend an act incorporating the Delphi Insurance Company,	570		581 724
124	A bill concerning a State road in Tippecanoe county,	452		540 599
125	A bill to amend an act incorporating Congressional townships, and providing for public schools therein, approved Feb, 17, 1838,	570		614
126	A bill to amend an act entitled an act allowing and regulating the writ of ad quod damnum,	650	688	
128	A bill to provide for a better regulation of Indiana University,	795		
130	A bill to repeal part of the second section of an act relating to public roads and highways,	645	765	
131	A bill providing for a State road in the counties of Allen and Huntington,	753		753 824, 829
132	A bill to incorporate the Putnam Band of Music,	479	527	545 599
133	A bill to amend an act entitled an act to allow further time to the Lawrenceburgh and Indianapolis Railroad Company, to settle up and close their affairs,	479	517	545 599
134	A bill to amend an act entitled, "an act relative to crime and punishment," approved Feb. 10, 1831,	737	738, 739	739 761, 793
135	A bill to carry into effect an act entitled an act to establish a State road therein named,	498		526 549
136	A bill to repeal all laws now in force authorizing the sale of State Bonds for internal improvement purposes,	646	765	766 794

BILLS FROM THE SENATE—Continued.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed H. Reps.	Other proceedings.	Approved, see Senate Journal.
137	A bill more effectually to secure the purity of elections,	753		753	824, 829	
139	A bill for the relief of certificate holders to certain school lands in Monroe county, - - -	529		547	599	
141	A bill to incorporate the Liberty Band, - - -	551		623	724	
143	A bill to incorporate the Michigan City Manufacturing Company, - - -	650		650	724, 794	
144	A bill to fix the times of holding the Courts in the 6th judicial circuit, - - -	569		692		
145	A bill for the relief of John S. Forgey, late collector of Tippecanoe county for the year 1839, - - -	645	777			
149	A bill to amend the charter of the borough of Vincennes, - - -	646		646	724	
149	A bill to amend an act relating to county Seminaries,	753		753	824, 828	
150	A bill to admit as evidence the official acts of foreign Mayors, Recorders, and Aldermen of cities, and Notaries Public, - - -	647	686			
151	A bill changing the name of William Wallace,	685		685	793	



152	A bill authorizing suits to be brought in the name of the agent of an unincorporated company, - - -	685	761 809
153	A bill to enable George G. Dunn, guardian of the minor heirs of Moses Fell, deceased, to convey certain real estate, - - -	685	685 793
154	A bill to incorporate the Centre Church of Crawfordsville, - - -	685	685 793
154	A bill to repeal an act to incorporate the town of Lebanon, in Boon county, - - -	753	753 825
155	A bill amendatory of the charter of Michigan City, - - -	758	781
156	A bill to repeal an act therein named relative to a State road, in Delaware county, - - -	753	753 825, 829
157	A bill to incorporate the Washington Band of LaPorte, - - -	753	750 825, 829
158	A bill to amend an act entitled an act to incorporate the Indiana Iron Manufacturing Company, - - -	753	779
159	A bill for the relief of the collector of Scott county, - - -	753	753 825, 829
160	A bill supplemental to an act pointing out the mode of levying taxes, - - -	758	786 826
162	A bill to provide for the payment of the interest on the public debt of the State of Indiana, and for the redemption of the Treasury Notes of the State, - - -	754	755, 756
168	A bill to amend the charter of the town of Lawrenceburgh, - - -	795	757 796
169	A bill amendatory of an act entitled an act subjecting real and personal estate to execution, - - -	796	796
170	A bill in relation to so much of the surplus revenue as has been distributed in the several counties of this State, - - -	820	820

JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reprs.	Passed Senate.	Other proceedings.	Approved.
1 A	joint resolution relative to the constitution of the United States, - - -	52 245		246	322	340	357
53 A	joint resolution relative to the contract with the Morris Canal and Banking company for rail-road iron, made by the Fund Commissioner Milton Stapp, -	130		131	137		171
69 A	joint resolution relative to the Sub-Treasury bill, -	152 172-3-4		183	358	401, 402	403
70 A	joint resolution relative to a bankrupt law, -	156					
71 A	joint resolution for the relief of David Rowles, -	157 182, 191		191	242	247, 262, 265	267
89 A	joint resolution to instruct our Senators and request our Representatives to use their exertions to procure the passage of an act fixing certain duties on imported silks, -	182 192					
122 A	joint resolution relative to the election of President and Vice President of the United States, -	240		258	388	402	403
140 A	joint resolution relative to pre-emption rights, -	274 318, 466		471			
141 A	joint resolution relative to a national bank, -	274 331					
169 A	joint resolution relative to the college fund, -	313 331, 545, 546					

180	A joint resolution relative to the destruction of the statutes of Dubois county,	329 375	428 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	383	644 748	770
191	A joint resolution relative to the public domain,	349 376	427 466	430 495	548	618 722	626	627 722	640 722, 723	384	479 600, 622	649	
214	A joint resolution relative to the Cumberland road,	398	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649
224	A joint resolution relative to the journals of the proceedings of the General Assembly,	427 466	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649
227	A joint resolution for the benefit of St. Joseph county,	427 466	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649
229	A joint resolution providing for a correspondence between the Executives of Indiana and Ohio in reference to the completion of the Wabash and Erie canal,	427 466	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649
232	A joint resolution in relation to the condition of State bonds passed from the agents of the State without payment,	427 466	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649
235	A joint resolution relative to the sale of State bonds,	427 466	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649
245	A joint resolution concerning the arms of the United States now in this State,	427 466	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649
263	A joint resolution relative to the Wabash and Erie canal,	427 466	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649
293	A joint resolution on the subject of the Judicial circuits,	427 466	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649
321	A joint resolution of the General Assembly,	427 466	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649
322	A joint resolution on the subject of the distribution of the proceeds of the public lands,	427 466	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649
323	A joint resolution amendatory of a joint resolution relative to the auditor of public accounts,	427 466	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649
329	A joint resolution in relation to the office of fund commissioner,	427 466	427 466	435 501, 614	486 527, 679, 764, 765	548	618 722	626	627 722	640 722, 723	460	479 600, 622	649

JOINT RESOLUTIONS OF THE HOUSE OF REPRESENTATIVES—Continued.

Number.	TITLES.	Introduced.	Proceedings before passage.	Passed H. Reprs.	Passed Senate.	Other proceedings.	Approved.
344 A	joint resolution in relation to the historical society of the State of New-York, - - -	673		763	758 821		821
347 A	joint resolution suspending the 5th section of an act passed at the present session of the General Assembly for the relief the Miami and other Indians, - -	678		678	692 749		770
350 A	joint resolution relative to the State Library, - -	680	766, 770				
361 A	bill supplementary to an act to provide for the completion of that portion of the Cross-cut canal which lies between the Feeder-dam and Terre-Haute, approved January 30, 1841, - - -	693	769, 781	782	796 826		831
370 A	joint resolution on the subject of the State board of Equalization, - - -	772	792		812 825		832
371 A	joint resolution on the subject of the redemption and cancelling of Treasury notes, - - -	773		773	789 822		823
373 A	joint resolution relative to the auditor of public accounts, - - -	776		776	789 822		823

376 A joint resolution relative to the superintendents of the State prison,	793	812 826, 827	832
379 A joint resolution relative to the Michigan road lands,	793	812 825, 826	831
380 A joint resolution for the relief of contractors,	794		
385 A joint resolution in relation to the affairs of the town of Indianapolis,	806	818 826, 827	832
387 A joint resolution suspending the provisions of a bill supplemental to a bill pointing out the mode of levying taxes,	808		

JOINT RESOLUTIONS FROM THE SENATE.

Number.	TITLES.	Reported from Senate.	Proceedings before passage.	Passed H. Reprs.	Other Proceedings.	Approved, see Senate Journal.
16	A joint resolution on the subject of the public lands of the United States,	389	424			
21	A joint resolution of the General Assembly of the State of Indiana in relation to the selection of lands for the Wabash and Erie canal,	116	157	172		
66	A joint resolution in relation to a National Bank,	263	329, 331, 341, 342, 355	356	402	
72	A joint resolution in relation to duties on foreign goods,	444		526	550	
88	A joint resolution of the General Assembly of the State of Indiana on the subject of Mr. Benton's pre-emption bill, &c.	529	547	563	599	
119	A joint resolution on the subject of the State Bank of Indiana,	498		563	599	
143	A joint resolution to suspend the act passed at the present session of the General Assembly for the appointment of a keeper of the State House and Library,	645				

165	A joint resolution relative to the State Library,	-	796	817
166	A joint resolution on the subject of printing an act therein named,	-	796	
167	A joint resolution relative to the publication of the school law,	-	797	

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